

## **RESOURCES for AGING**

### **Special State Legislation Issue**

**January 16, 2007 (Vol. 3 No. 17)**

Welcome to Resources for Aging, the electronic newsletter (e-newsletter) of the **Michigan Office of Services to the Aging (OSA)** in **Lansing**. It provides timely information about aging network news, events and resources.

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Resources for Aging is distributed approximately every three weeks. This is a special issue to provide a legislation summary of the 2005-2006 session of the Michigan State Legislature.

For more information about this e-newsletter, see the RESOURCES FOR AGING section at the end of this issue.

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### **2005 – 2006 LEGISLATION SUMMARY**

The following bills from the 2005-2006 legislative session are listed for informational/educational purposes only. The list does not constitute what OSA supported or endorsed during this legislative session. Nor does it indicate the critical bills OSA considered to be of priority.

For more information about the content and legislative history of each bill, go to [www.legislature.mi.gov](http://www.legislature.mi.gov) (the Michigan Legislature website) and click on "Bills" under "Legislature" on the upper left-hand column. Then under "Bill Search (Archived Sessions)" click on the "2007-2008" box, and select "2005-2006." Enter the bill number to access a particular bill. The status

page of the bill will appear with a history of the bill, including the text of the most recent version of the bill.

The Michigan Legislature website ([www.michiganlegislature.org](http://www.michiganlegislature.org)) is a free service of the Legislative Internet Technology Team in cooperation with the Michigan Legislative Council, the Michigan House of Representatives, and the Michigan Senate. Also, call the Michigan Law Library at 517/373-0630 for legal research questions.

If you have a question or opinion about any of these bills, contact your state legislator. Also, you may call OSA Director **Sharon Gire** at 517/373-7876 or e-mail her at [osadirector@michigan.gov](mailto:osadirector@michigan.gov).

### **Recap of the Michigan State Legislature's 2005-2006 Session**

The following is a compilation of the bills and public acts from the 2005-2006 legislative session that were identified as being of interest and importance to senior adults and aging network service providers.

They were identified from among the 2,701 bills that were introduced by the House, and the 1,521 bills that were introduced by the Senate during the 2005-2006 legislative session.

Also, this list of bills does not include those bills that were introduced and referred to a committee, but then did not go anywhere. It includes only bills that moved further in some way as part of the legislative process.

The Michigan State Legislature adjourned its 2005-2006 legislative session on **December 29**. All business pertaining to this legislative session was completed on **January 10**.

Bills introduced during the past two years that did not become law have automatically died. To become law, each bill must be re-introduced. Both the State House and State Senate convened to begin the new 2007-2008 legislative session on **January 10**.

### **2005 House Bills that Moved but did not Become Law January 1, 2005 – December 31, 2006**

#### **House Bill (HB) 4021 of 2005**

This bill would amend the Income Tax Act to allow taxpayers to deduct from taxable income the premiums paid in the tax year to obtain long-term care benefits from an insurance policy. The deduction would apply for tax years beginning after December 31, 2005, and would apply to the extent the premiums had not already been deducted in determining adjusted gross income. Amends Public Act (PA) 281 of 1967. Sponsored by **Rep. Roger Kahn** (R-Saginaw) and co-sponsored by no others. Referred to the House Committee on Tax Policy 1-27-05. Reported with recommendation for referral to the House Committee on Insurance 4-26-06. Recommendation concurred in by the House 4-26-06. Died on the floor of the House.

#### **House Bill (HB) 4074 of 2005**

This bill, with HB 5314, would remove community college employees hired after January 1, 2006 from the Michigan Public School Employees Retirement System, and would revise the definition of "eligible employees" to include administrators or faculty employed at a community college on a part-time basis. Amends Public Act (PA) 156 of 1967. Sponsored by **Rep. Bruce Caswell** (R-Hillsdale) and co-sponsored by no others. Referred to the House Committee on Higher Education 1-27-05. Passed by the House and given immediate effect 12-8-05. Referred to the Senate Committee on Education 12-13-05. Died in committee.

**House Bill (HB) 4188 of 2005**

See **Public Act (PA) 24 of 2005** (below).

**House Bill (HB) 4337 of 2005**

This bill would amend the Income Tax Act to allow a taxpayer to claim an additional exemption of \$1,800 if the taxpayer provides primary care for a parent who is a “senior citizen” and if the Michigan Department of Human Services (MDHS) determines that such care prevents institutionalization of that parent. The bill would apply to tax years beginning after December 31, 2004. (An exemption reduces the amount of income tax subject to tax). The bill defines “primary care” to mean acts that meet the physical or mental requirements of a family member who cannot meet those requirements without assistance or supervision, including acts related to health, safety, nutrition, hygiene, homemaking or other activities of daily living. The act currently defines “senior citizen” to mean an individual who is 65 years of age or older, or the un-remarried surviving spouse of an individual who was 65 years of age or older at the time of death. Amends Public Act (PA) 281 of 1967. Sponsored by **Rep. Rick Shaffer** (R-Three Rivers) and co-sponsored by five others. Referred to the House Committee on Tax Policy 2-17-05. Motion to discharge House committee approved 12-1-05. Referred to the House Committee on Senior Health, Security, and Retirement 12-1-05. House substitute bill adopted and amended by the House 11-30-06. Passed by the House and given immediate effect 11-30-06. Referred to the Senate Committee on Finance 12-6-06. Died in committee.

**House Bill (HB) 4405 of 2005**

See **Public Act (PA) 85 of 2005** (below).

**House Bill (HB) 4423 of 2005**

See **Public Act (PA) 133 of 2006** (below).

**House Bill (HB) 4434 of 2005**

See **Public Act (PA) 72 of 2005** (below).

**House Bill (HB) 4436 of 2005**

See **Public Act (PA) 109 of 2005** (below).

**House Bill (HB) 4455 of 2005**

See **Public Act (PA) 653 of 2006** (below).

**House Bill (HB) 4486 of 2005**

This bill would repeal the Estate Tax Act and references to the act in other state laws. Repeals Public Act (PA) 188 of 1899. Sponsored by **Rep. Rick Baxter** (R-Hanover) and co-sponsored by 47 others. Referred to the House Committee on Tax Policy 3-1-06. House substitute bill adopted by the House 3-22-06. Passed by the House 3-23-06. Immediate effect defeated 3-23-06. Referred to the Senate Committee on Finance 3-28-06. Died in committee.

**House Bill (HB) 4606 of 2005**

See **Public Act (PA) 38 of 2006** (below).

**House Bill (HB) 4670 of 2005**

See **Public Act (PA) 24 of 2006** (below).

**House Bill (HB) 4745 of 2005**

This bill would amend the Nonprofit Health Care Corporation Reform Act to allow Blue Cross and

Blue Shield of Michigan to refuse to offer or provide a health care benefit on ethical, moral or religious grounds as reflected in its articles of incorporation or bylaws, or by an adopted mission statement. Amends Public Act (PA) 350 of 1980. Sponsored by **Rep. Scott Hummel** (R-DeWitt) and co-sponsored by no others. Referred to the House Committee on Insurance 5-10-05. Passed by the House 4-26-06. Immediate effect defeated 4-27-06. Referred to the Senate Committee on Health Policy 5-2-06. Died in committee.

#### **House Bill (HB) 4746 of 2005**

This bill would amend the Insurance Code to allow commercial health insurance companies and health maintenance organizations (HMOs) to refuse to offer or provide a health care benefit on ethical, moral or religious grounds as reflected in its articles of incorporations or bylaws, or by an adopted mission statement. Public Act (PA) 218 of 1956. Sponsored by **Rep. Scott Hummel** (R-DeWitt) and co-sponsored by no others. Referred to the House Committee on Insurance 5-10-05. Passed by the House 4-26-06. Referred to the Senate Committee on Health Policy 4-27-06. Died in committee.

#### **House Bill (HB) 4751 of 2005**

This bill would amend the Social Welfare Act, which deals with the Medicaid program, to allow Medicaid-eligible individuals to receive services related to care (e.g., assisted living) provided in an adult foster care facility licensed under the Adult Foster Care Facility Licensing Act if certain conditions are met. The Michigan Department of Community Health (MDCH) would be required to seek a waiver from the US Department of Health and Human Services (HHS) to provide adult foster care-related services. Amends Public Act (PA) 280 of 1939. Sponsored by **Rep. Richard Ball** (R-Laingsburg) and co-sponsored by 13 others. Referred to the House Committee on Family and Children Services 5-10-05. Referred to second reading 11-1-05. Died on the floor of the House.

#### **House Bill (HB) 4773 of 2005**

Torts; product liability; immunity from liability for drugs that have been approved by federal food and drug administration; rescind. Amends Public Act (PA) 236 of 1961. Sponsored by **Rep. Dianne Byrum** (D-Onondaga) and co-sponsored by 37 others. Referred to the House Committee on Commerce 5-11-05. Motion to discharge House committee approved 9-8-05. Referred to second reading 9-8-05. Died on the floor of the House.

#### **House Bill (HB) 4789 of 2005**

This bill would amend the Public Health Code to address the use of “dining assistants” by nursing homes. It would allow nursing homes to use dining assistants to feed residents who need assistance or encouragement with eating and drinking but do not have complicated feeding problems, such as difficulty swallowing, recurrent lung aspirations, and tube or parenteral feedings. The use of a dining assistant would be based on a charge nurse’s assessment of the resident and that resident’s most recent plan of care. Amends Public Act (PA) 368 of 1978. Sponsored by **Rep. Barb Vander Veen** (R-Allendale) and co-sponsored by 10 others. Referred to the House Committee on Senior Health, Security, and Retirement 5-17-05. House substitute bill adopted by the House 10-18-05. Passed by the House and given immediate effect 10-19-05. Referred to the Senate Committee on Health Policy 10-20-05. Died in committee.

#### **House Bill (HB) 4790 of 2005**

This bill would create a new act known as the Long-Term Health Care Savings Account Act to allow individuals to establish long-term health care savings accounts for the purpose of paying long-term health costs, including insurance premiums. Creates new act. Tie barred with HB 4791 of 2005 (which means neither bill can take effect unless both do). Sponsored by **Rep. Kevin Green** (R-Wyoming) and co-sponsored by eight others. Referred to the House Committee on Tax

Policy 5-17-05. Reported with recommendation for referral to the House Committee on Insurance 4-26-06. Recommendation concurred in by the House 4-26-06. Referred to second reading 4-27-06. Died on the floor of the House.

#### **House Bill (HB) 4791 of 2005**

This bill would provide an income tax deduction for contributions to, and distributions from, a long-term health savings account established pursuant to House Bill 4790. Amends Public Act (PA) 281 of 1967. Tie barred with 4790 of 2005 (which means neither bill can take effect unless both do). Sponsored by **Rep. Kevin Green** (R-Wyoming) and co-sponsored by eight others. Referred to the House Committee on Tax Policy 5-17-05. Reported with recommendation for referral to House Committee on Insurance 4-26-06. Recommendation concurred in by the House 4-26-06. Referred to second reading 4-27-06. Died on the floor of the House.

#### **House Bill (HB) 4792 of 2005**

This bill would amend the Public Health Code to require that the Michigan Department of Community Health (MDCH) transmit to a nursing home a written or electronic copy of the results of each visit and survey conducted within 10 business days after the visit. Within 24 hours after receiving the survey report, or within 24 hours after receiving notice that the MDCH has approved a nursing home's plan of correction, the nursing home would have to post the report in a conspicuous place in the home for public review. Within 30 days after the report or correction plan is posted, the nursing home would have to notify its residents it had been received and was posted within the nursing home, and that a summary was available through the Internet or on the MDCH website. A nursing home could satisfy the notification by including a notification in a monthly newsletter or other written documentation, distributed to the resident, the resident's family, or a designated representative. If the survey report or plan of correction includes an immediate jeopardy citation, the nursing home would be required to include a description of the citation and a description of how the situation was corrected. If the MDCH issues a notice of an immediate jeopardy situation to a nursing home, then the nursing home would be required to post the notice, with the nursing home's plan to rectify the situation, immediately after the removal of the immediate jeopardy situation. The notice would have to be placed in a conspicuous place for public view in the nursing home for not less than seven days. If the immediate jeopardy situation results in serious injury, or a change in the health status of a resident or residents within the nursing home, the home would be required to immediately notify the resident's family, or a designated representative, of the immediate jeopardy situation. In addition, the bill would require that, before renewing a license, MDCH review the most recent inspection, survey and evaluation of that facility, and any written determination made concerning a complaint filed within the previous two years. Amends Public Act (PA) 368 of 1978. Sponsored by **Rep. Paula Zelenko** (D-Burton) and co-sponsored by two others. Referred to the House Committee on Senior Health, Security, and Retirement 5-17-05. House substitute bill adopted by the House 10-18-05. Passed by the House and given immediate effect 10-19-05. Referred to the Senate Committee on Health Policy 10-20-05. Died in committee.

#### **House Bill (HB) 4811 of 2005**

Torts; liability; liability suits brought against drug manufacturers for drugs that have been approved by federal food and drug administration; allow. Amends Public Act (PA) 236 of 1961. Sponsored by **Rep. Leon Drolet** (R-Clinton Township) and co-sponsored by three others. Referred to the House Committee on Commerce 5-19-05. Motion to discharge House committee approved 9-8-05. Referred to second reading 9-8-05. Died on the floor of the House.

#### **House Bill (HB) 4831 of 2005**

See **Public Act (PA) 154 of 2006** (below).

**House Bill 4870 of 2005**

See **Public Act (PA) 299 of 2006** (below).

**House Bill (HB) 4891 of 2005**

See **Public Act (PA) 300 of 2006** (below).

**House Bill (HB) 4996 of 2005**

See **Public Act (PA) 161 of 2005** (below).

**House Bill (HB) 5002 of 2005**

Health facilities; hospitals; quality assurance assessment; extend sunset and increase hospital appropriation. Amends Public Act (PA) 368 of 1978. Sponsored by **Rep. Alma Smith** (D-Ypsilanti) and co-sponsored by 15 others. Referred to the House Committee on Appropriations 6-23-05. Referred to the House Committee on Appropriations 2-15-06. Died in committee.

**House Bill (HB) 5003 of 2005**

Human services; medical services; county maintenance of effort rate for nursing homes; extend ending date. Amends Public Act (PA) 280 of 1939. Sponsored by Rep. **Bruce Caswell** (R-Hillsdale) and co-sponsored by three others. Referred to the House Committee on Appropriations 6-23-05. Passed by the House and given immediate effect 9-20-06. Referred to the Senate Committee on Appropriations 11-9-06. Died in committee.

**House Bill (HB) 5055 of 2005**

See **Public Act (PA) 187 of 2005** (below).

**House Bill (HB) 5071 of 2005**

Consumer protection; unfair trade practices; liability for inaccurate representations concerning risks of certain drugs, medications, and supplements; clarify. Amends Public Act (PA) 331 of 1976. Sponsored by **Rep. Marie Donigan** (D-Royal Oak) and co-sponsored by four others. Referred to the House Committee on Commerce 7-27-05. Motion to discharge House committee approved 9-8-05. Referred to second reading 9-8-05. Died on the floor of the House.

**House Bill (HB) 5081 of 2005**

This bill would permit an individual who is unable to write to use his or her fingerprints as a written signature. That is, visible fingerprints would be included as a "paper mark." Amends RS 1 of 1846 (MCL 8.3q). Sponsored by **Rep. Leon Drolet** (R-Clinton Township) and co-sponsored by no others. Referred to the House Committee on Government Relations 8-10-05. Motion to discharge House committee approved 9-6-05. Referred to the House Committee on Governmental Operations 9-28-05. Died in committee.

**House Bill (HB) 5123 of 2005**

This bill would add a new part, entitled "Arthritis Prevention and Control" to the Public Health Code, and be known and cited as the Michigan Arthritis Prevention and Control Act. Modeled after a national initiative to address the growing numbers of people diagnosed with arthritis, the economic impact of the disease, and the need for effective prevention and treatment measures, the bill sets forth the acts purpose and prescribes duties for the Michigan Department of Community Health (MDCH) and its director. Amends Public Act (PA) 368 of 1978. Sponsored by **Rep. Leslie Mortimer** (R-Horton) and co-sponsored by 17 others. Referred to the House Committee on Health Policy 9-6-05. Referred to second reading 5-23-06. Died on the floor of the House.

**House Bill (HB) 5139 of 2005**

Civil procedure, statute of limitations; drug product liability cases previously prohibited because of

FDA approval defense; allow to be commenced within 3 years of repeal of defense. Amends PA 236 of 1961. Tie barred with HB 4773 of 2005 (which means neither bill can take effect unless both do). Sponsored by **Rep. Gary McDowell** (D-Rudyard) and co-sponsored by 10 others. Referred to the House Committee on Commerce 9-7-05. Motion to discharge House committee approved 9-6-05. Referred to second reading 9-6-05. Died on the floor of the House.

#### **House Bill (HB) 5166 of 2005**

This bill would amend the Adult Foster Care Facility Licensing Act to require background checks on new employees of adult foster care facilities. Amends Public Act (PA) 218 of 1979. It is tie-barred with HB 5168 (which means neither can take effect unless both do). Sponsored by **Rep. Gary Newell** (R-Saranac) and co-sponsored by 57 others. Referred to the House Committee on Senior Health, Security, and Retirement 9-13-05. House substitute bill adopted by the House 12-6-05. Passed by the House and given immediate effect 12-6-05. Referred to the Senate Committee on Senior Citizens and Veterans Affairs 12-7-05. Died in committee.

#### **House Bill (HB) 5167 of 2005**

This bill would amend the Public Health Code to apply background check requirements to applicants for initial licensure or registration in health occupations. The bill would impose a nominal fee, beginning January 1, 2006, not to exceed \$2 for the processing of criminal history background checks for applicants for initial licensure or registration and renewals, and the applicants would be responsible for any charges for the criminal history check. Amends Public Act (PA) 368 of 1978. Sponsored by **Rep. Michael Murphy** (D- Lansing) and co-sponsored by 43 others. Referred to the House Committee on Senior Health, Security, and Retirement 9-13-05. Passed by the House and given immediate effect 12-6-05. Referred to the Senate Committee on Senior Citizens and Veterans Affairs 12-7-05. Died in committee.

#### **House Bill (HB) 5168 of 2005**

See **Public Act (PA) 26 of 2006** (below).

#### **House Bill (HB) 5183 of 2005**

This bill would amend the Public Health Code to require a nursing home, county medical care facility, or home for the aged to provide each employee who provides direct services to patients or residents with a written notice of its substance abuse policy, or a copy of that policy if the facility requires employees to submit to substance screening or abuse testing, whether random or otherwise, as a condition of employment. The notice would be provided upon hiring. If a notice of the policy is provided in lieu of a copy, the notice will contain the following: (a) Circumstances under which an employee may be required to submit to a test. (b) Consequences for refusing to submit to a test. (c) Procedures for challenging the accuracy of the test. (d) Notice and testing requirements. Amends Public Act (PA) 368 of 1978. Sponsored by **Rep. Joe Hune** (R-Hamburg) and co-sponsored by three others. Referred to the House Committee on Senior Health, Security, and Retirement 9-15-05. House substitute bill adopted by the House 10-18-05. Passed by the House and given immediate effect 10-19-05. Referred to the Senate Committee on Health Policy 10-20-05. Died in committee.

#### **House Bill (HB) 5198 of 2005**

This bill would amend Public Act 259 of 1909, which pertains to judgments of divorce and judgments of separate maintenance, to clarify that each judgment of divorce or judgment of separation would have to determine all rights, including any contingent rights of the parties regarding any vested pension, annuity, or retirement benefit; any accumulated contributions in any pension, annuity, or retirement system; and, in accordance with the revised Statutes of 1846, any unvested pension, annuity or retirement benefits. Sponsored by **Rep. Tonya Schuitmaker** (R-Lawton) and co-sponsored by 58 others. Referred to the House Committee on Judiciary 9-21-05.

House substitute bill adopted by the House 12-13-05. Passed by the House and given immediate effect 12-13-05. Referred to the Senate Committee on Judiciary 1-11-06. Died in committee.

**House Bill (HB) 5263 (2005)**

Financial institutions; banks; reporting of elderly financial abuse; require. Amends Public Act (PA) 276 of 1999. Sponsored by **Rep. LaMar Lemmons III** (D-Detroit) and co-sponsored by one other. Referred to the House Committee on Banking and Financial Services 10-6-05. Motion to discharge House committee rejected 11-14-06. Died in committee.

**House Bill (HB) 5298 (2005)**

Financial institutions; savings banks; reporting of elderly financial abuse; require. Amends Public Act (PA) 354 of 1996. Sponsored by **Rep. LaMar Lemmons III** (D-Detroit) and co-sponsored by one other. Referred to the House Committee on Banking and Financial Services 10-18-05. Motion to discharge House committee rejected 11-14-06. Died in committee.

**House Bill (HB) 5325 of 2005**

This bill would amend the Public Health Code to require hospitals to require a hospital, during flu season, to inform each person age 65 and older admitted to the hospital for a period of 24 hours or more, that the flu vaccine is available. The vaccine would then be administered if the patient requested it, and the appropriate health care providers determine that the vaccination was in the patient's best interest. Amends Public Act (PA) 368 of 1978. Sponsored by **Rep. Kevin Green** (R-Wyoming) and co-sponsored by 48 others. Referred to the House Committee on Senior Health, Security, and Retirement 10-18-02. House substitute bill adopted by the House 3-14-06. Passed by the House and given immediate effect 3-15-06. Referred to the Senate Committee on Health Policy 3-16-06. Died in committee.

**House Bill (HB) 5336 of 2005**

See **Public Act (PA) 137 of 2006** (below).

**House Bill (HB) 5338 (2005)**

Financial institutions; savings and loan associations; reporting of elderly financial abuse; require. Amends Public Act (PA) 307 of 1980. Sponsored by **Rep. LaMar Lemmons III** (D-Detroit) and co-sponsored by one other. Referred to the House Committee on Banking and Financial Services 10-19-05. Motion to discharge House committee postponed for a day 11-14-06. Died in committee.

**House Bill (HB) 5348 of 2005**

See **Public Act (PA) 441 of 2006** (below)

**House Bill (HB) 5349 of 2005**

See **Public Act (PA) 442 of 2006** (below)

**House Bill (HB) 5375 of 2005**

See **Public Act (PA) 25 of 2006** (below)

**House Bill (HB) 5387 of 2005**

This bill would create a 13-member Catastrophic Medical Coverage Task Force to conduct a study on whether a statewide catastrophic health care coverage pool is an appropriate means of providing all state residents with coverage for catastrophic health claims. The task force would be created within the Office of Financial and Insurance Services (OFIS), and OFIS would provide technical assistance, including actuarial services. The task force would be required to report to the Legislature within one year after the bill's effective date on the findings and recommendations resulting from its study. Amends Public Act (PA) 218 of 1956. Sponsored by **Rep. Andy Dillon**



(D-Redford) and co-sponsored by 15 others. Referred to the House Committee on Insurance 11-1-05. House substitute bill adopted by the House 4-26-06. Placed on third reading 4-26-06. Died on the floor of the House.

**House Bill (HB) 5389 of 2005**

See **Public Act (PA) 634 of 2006** (below).

**House Bill (HB) 5448 of 2005**

See **Public Act (PA) 27 of 2006** (below).

**House Bill (HB) 5487 of 2005**

Property tax; exemptions; tax exemption for certain nonprofit housing corporations and nonprofit corporations with a license to solicit charitable donations; provide for. Amends Public Act (PA) 206 of 1893. Sponsored by **Rep. Joe Hune** (R-Hamburg) and co-sponsored by one other. Referred to the House Committee on Local Government and Urban Policy 12-7-05. Motion to discharge House committee approved 12-13-05. House substitute bill adopted by the House 12-13-05. Passed by the House with immediate effect 12-13-05. Referred to the Senate Committee on Local, Urban and State Affairs 1-11-06. Died in committee.

**2006 House Bills that Moved but did not Become Law  
January 1, 2005 – December 31, 2006**

**House Bill (HB) 5493 of 2006**

This bill would enact the Nurse Licensure Compact which provides for a license to practice nursing issued by a nurse's primary state of residence to be recognized by each party state as authorizing a multi-state licensure privilege to practice as a nurse in a party state. Creates new act. Sponsored by **Rep. John Stakoe** (R-Highland) and co-sponsored by 40 others. Referred to the House Committee on Health Policy 12-8-05. House substitute bill adopted and amended by the House 3-22-06. Passed by the House 3-22-06. Immediate effect defeated by the House 3-22-06. Referred to the Senate Committee on Health Policy 3-23-06. Died in committee.

**House Bill (HB) 5527 of 2005**

Torts; product liability; FDA approval defense for drug products; provide for rebuttable presumption rather than absolute defense and provide grace period for bringing certain actions previously barred by the defense. Amends Public Act (PA) 236 of 1961. Sponsored by **Rep. Edward Gaffney** (R-Grosse Pointe Farms) and co-sponsored by four others. Referred to the House Committee on House Oversight, Elections, and Ethics 12-14-05. Reported with recommendation for referral to the House Committee on Tort Reform 2-22-06. Recommendation concurred in by the House 2-22-06. Died on the floor of the House.

**House Bill (HB) 5602 of 2006**

See **Public Act (PA) 352 of 2006** (below).

**House Bill (HB) 5608 of 2006**

See **Public Act (PA) 679 of 2006** (below).

**House Bill (HB) 5630 of 2006**

See **Public Act (PA) 163 of 2006** (below).

**House Bill (HB) 5631 of 2006**

See **Public Act (PA) 157 of 2006** (below).

**House Bill (HB) 5661 of 2006**

See **Public Act (PA) 610 of 2006** (below).

**House Bill (HB) 5663 of 2006**

This bill would amend the Michigan Vehicle Code to require the Secretary of State to certify traffic accident prevention driver safety courses that meet certain criteria. Amends Public Act (PA) 300 of 1949. Tie barred with HB 5661 of 2006 (which means neither bill can take effect unless both do). Sponsored by **Rep. Tupac Hunter** (D-Detroit) and co-sponsored by 23 others. Referred to the House Committee on Transportation 2-9-06. Reassigned to the House Committee on Insurance 2-14-06. Passed by the House 6-22-06. Referred to the Senate Committee on Transportation 6-27-06. Died in committee.

**House Bill (HB) 5672 of 2006**

See **Public Act (PA) 416 of 2006** (below)

**House Bill (HB) 5686 of 2006**

This bill would amend the Oil and Gas Severance Tax Act to distribute annually \$60 million to the General Fund, and then \$6 million to a new Home Heating Credit Fund out of the taxes, penalties and costs paid to the State Treasurer under this act. Amends Public Act 48 of 1929. Tie barred with HB 5687 of 2006 and HB 5688 of 2006 (which means none of these bills can take effect unless all three do). Sponsored by **Rep. Mike Nofs** (R-Battle Creek) and co-sponsored by 47 others. Referred to the House Committee on Energy and Technology 2-16-06. Referred to second reading 3-8-06. Died on the floor of the House.

**House Bill (HB) 5687 of 2006**

This bill would create the Home Heating Credit Fund Act to receive revenue from the oil and gas severance tax to be used by the Michigan Department of Treasury in paying home heating credits under the Income Tax Act to the extent these credits are not fully funded by the federal low income home energy assistance program block grant funds. The new funds could not be replacement funds. Creates new act. Tie barred with HB 5686 of 2006 (which means neither bill can take effect unless both do). Sponsored by **Rep. Tim Moore** (R-Farwell) and co-sponsored by 47 others. Referred to the House Committee on Energy and Technology 2-16-06. Referred to second reading 3-8-06. Died on the floor of the House.

**House Bill (HB) 5688 of 2006**

This bill would amend the Oil and Gas Severance Tax Act to specify that money remaining after the other distributions are made would be credited to the General Fund for any lawful purpose. Amends Public Act (PA) 48 of 1929. Tie barred with House Bill (HB) 5686 of 2006 (which means neither bill can take effect unless both do). Sponsored by **Rep. Rick Baxter** (R-Hanover) and co-sponsored by 50 others. Referred to the House Committee on Energy and Technology. Referred to second reading 3-8-06. Died on the floor of the House.

**House Bill (HB) 5689 of 2006**

Since 1978 the state has provided a refundable credit against the income tax that is designed to assist low-income households with the cost of heating their homes. The standard allowance is based upon the number of exemptions claimed, with the amount generally adjusted by the Michigan Department of Treasury, so that a claimant with a household income of less than 110 percent of the federal poverty income standards is not denied the credit. This bill would increase the household income level to 125 percent of the federal income poverty standards for 2006. The act also would provide for an alternate calculation which is based on the actual home heating costs incurred. Amends Public Act (PA) 281 of 1967. Tie barred with HB 5690 of 2006 (which means neither bill can take effect unless both do). Sponsored by **Rep. Tom Casperson** (R-Escanaba)

and co-sponsored by 48 others. Referred to the House Committee on Energy and Technology 2-16-06. Referred to second reading 3-8-06. Died on the floor of the House.

#### **House Bill (HB) 5690 of 2006**

Since 1978 the state has provided a refundable credit against the income tax that is designed to assist low-income households with the cost of heating their homes. The standard allowance is based upon the number of exemptions claimed, with the amount generally adjusted by the Michigan Department of Treasury, so that a claimant with a household income of less than 110 percent of the federal poverty income standards is not denied the credit. This bill would increase the household income level to 130 percent of federal income poverty standards for tax years beginning on or after 1-1-07. Amends Public Act (PA) 281 of 1967. Tie barred with HB 5689 of 2006 (which means neither bill can take effect unless both do). Sponsored by **Rep. David Law** (R-West Bloomfield) and co-sponsored by 47 others. Referred to the House Committee on Energy and Technology 2-16-06. Referred to second reading 3-8-06. Died on the floor of the House.

#### **House Bill (HB) 5744 of 2006**

This bill would amend the Mental Health Code to specify that a rule or an exception to a rule promulgated under these Codes could not discriminate in favor of or against any provider, facility or employer based on the presence of lack of a collective bargaining agreement with employees. Also, collective bargaining status, level of wages, or fringe benefits would not be used to demonstrate or excuse compliance with state licensing or regulatory standards or requirements. Amends Public Act (PA) 258 of 1974. Sponsored by **Rep. Bruce Caswell** (R-Hillsdale) and co-sponsored by no others. Referred to the House Committee on Government Operations 2-22-06. House substitute bill adopted by the House 3-1-06. Passed by the House and given immediate effect 3-2-06. Referred to the Senate Committee on Families and Human Services 3-7-06. Referred to the Senate Committee of the Whole 3-8-06. Passed by the Senate 3-8-06. Immediate effect defeated by the Senate 3-8-06. Bill ordered enrolled 3-8-06. Vetoed by the Governor 3-23-06.

#### **House Bill (HB) 5745 of 2006**

This bill would amend the Public Health Code to specify that a rule or an exception to a rule promulgated under these Codes could not discriminate in favor of or against any provider, facility or employer based on the presence of lack of a collective bargaining agreement with employees. Also, collective bargaining status, level of wages, or fringe benefits would not be used to demonstrate or excuse compliance with state licensing or regulatory standards or requirements. Amends Public Act 368 of 1978. Sponsored by **Rep. Rick Shaffer** (R-Three Rivers) and co-sponsored by no others. Referred to the House Committee on Government Operations 2-22-06. House substitute bill adopted by the House 3-1-06. Passed by the House and given immediate effect 3-2-06. Referred to the Senate Committee on Families and Human Services 3-7-06. Referred to the Senate Committee of the Whole 3-8-06. Passed by the Senate 3-8-06. Immediate effect defeated by the Senate 3-8-06. Bill ordered enrolled 3-8-06. Vetoed by the Governor 3-23-06.

#### **House Bill (HB) 5750 of 2006**

See **Public Act (PA) 643 of 2006** (below).

#### **House Bill (HB) 5760 of 2006**

See **Public Act (PA) 158 of 2006** (below)

#### **House Bill (HB) 5762 of 2006**

This bill would create the Long-Term Care Continuum Act, a new act which would incorporate many provisions currently found in the Public Health Code, as well as provisions from the Adult

Foster Care Facility Licensing Act. Also creates a Long-Term Care Commission which would contain 25 voting members appointed by the Governor, and five non-voting ex-officio members. Creates new act and repeals sections of Public Act (PA) 368 of 1978 and Public Act (PA) 218 of 1979. Sponsored by **Rep. Barb Vander Veen** (R-Allendale) and co-sponsored by nine others. Referred to the House Committee on Senior Health, Security and Retirement 2-28-06. Referred to second reading 4-18-06. Died on the floor of the House.

#### **House Bill (HB) 5795 of 2006**

Appropriations; other; omnibus budget appropriations bill; provide for fiscal year 2006 and 2007. Creates appropriation act (for state departments and agencies, including Community Health and Human Services). Sponsored by **Rep. Scott Hummel** (R-DeWitt) and co-sponsored by seven others. Referred to the House Committee on Appropriations 3-1-06. House substitute bill adopted and amended by the House 5-24-06. Postponed temporarily 5-24-06. Died on the floor of the House.

#### **House Bill (HB) 5796 of 2006**

See **Public Act (PA) 345 of 2006** (below).

#### **House Bill (HB) 5836 of 2006**

See **Public Act (PA) 301 of 2006** (below).

#### **House Bill (HB) 5837 of 2006**

This bill would amend the Income Tax Act to allow taxpayers to make a contribution of \$5 or more to the Home Heating Credit Fund through a check-off on the first page of the state individual income tax form. A taxpayer could designate a portion of a refund or could make a contribution that added to tax liability. Amends Public Act (PA) 281 of 1967. Sponsored by **Rep. Frank Accavitti** (D-Eastpointe) and co-sponsored by no others. Referred to the House Committee on Energy and Technology 3-7-06. Referred to second reading 3-8-06. Died on the floor of the House.

#### **House Bill (HB) 5919 of 2006**

This bill is a companion bill to HB 5762. It would revise the Public Health Code to eliminate provisions and make a number of technical revisions to reflect the creation of the Long-Term Health Care Continuum Act by HB 5762. Amends Public Act (PA) 368 of 1978. Tie barred with HB 5762 of 2006 (which means neither bill can take effect unless both do). Sponsored by **Rep. John Stahl** (R-North Branch) and co-sponsored by 16 others. Referred to the House Committee on Senior Health, Security, and Retirement 3-29-06. Referred to second reading 4-18-06. Died on the floor of the House.

#### **House Bill (HB) 5923 of 2006**

See **Public Act (PA) 604 of 2006** (below).

#### **House Bill (HB) 5927 of 2006**

See **Public Act (PA) 586 of 2006** (below).

#### **House Bill (HB) 5962 of 2006**

See **Public Act (PA) 218 of 2006** (below).

#### **House Bill (HB) 5993 of 2006**

This bill would add a new section to the Public Health Code to provide that a nursing home could not be licensed unless it is fully sprinklered. The requirement would apply only if federal or state funding became available. Amends Public Act (PA) 368 of 1978. Sponsored by **Rep. Barb**

**Vander Veen** (R-Allendale) and co-sponsored by four others. Referred to the House Committee on Senior Health, Security, and Retirement 4-25-06. House substitute bill adopted by the House 5-17-06. Passed by the House 5-18-06. Referred to the Senate Committee on Health Policy 5-23-06. Died in committee.

**House Bill (HB) 6006 of 2006**

Insurance; health; health care task force; create. Creates new act. Sponsored by **Rep. Michael C. Murphy** (D-Lansing) and co-sponsored by 21 others. Referred to the House Committee on Health Policy 4-26-06. Motion to discharge House committee approved 12-7-06. House substitute bill adopted by the House 12-7-06. Passed by the House and given immediate effect 12-7-06. Referred to the Senate Committee on Health Policy 12-12-06. Died in committee.

**House Bill (HB) 6032 of 2006**

See **Public Act (PA) 542 of 2006** (below).

**House Bill (HB) 6037 of 2006**

Insurance; other; interstate insurance (including life and LTC insurance) product regulation compact; enact. Creates new act. Sponsored by **Rep. Joe Hune** (R-Hamburg) and co-sponsored by no others. Referred to the House committee on Insurance 5-4-06. Motion to discharge House committee approved 5-17-06. Referred to second reading 5-17-06. Died on the floor of the House.

**House Bill (HB) 6039 of 2006**

See **Public Act (PA) 459 of 2006** (below).

**House Bill (HB) 6076 of 2006**

See **Public Act (PA) 665 of 2006** (below).

**House Bill (HB) 6077 of 2006**

See **Public Act (PA) 666 of 2006** (below).

**House Bill (HB) 6209 of 2006**

See **Public Act (PA) 681 of 2006** (below).

**House Bill (HB) 6253 of 2006**

See **Public Act (PA) 398 of 2006** (below).

**House Bill (HB) 6300 of 2006**

See **Public Act (PA) 568 of 2006** (below).

**House Bill (HB) 6313 of 2006**

See **Public Act (PA) 671 of 2006** (below)

**House Bill (HB) 6323 of 2006**

See **Public Act (PA) 672 of 2006** (below).

**House Bill (HB) 6359 of 2006**

See **Public Act (PA) 462 of 2006** (below).

**House Bill (HB) 6392 of 2006**

See **Public Act (PA) 591 of 2006** (below).

**House Bill (HB) 6457 of 2006**

This bill would create the Consumer Identity Protection Act, under which the Office of Financial and Insurance Services (OFIS) would be required to establish a state credit activity list and publish it quarterly for use by consumer reporting agencies. The list would consist of the names, addresses and social security numbers of those consumers who register with OFIS to receive notifications of credit activity from consumer reporting agencies. The list would have to be established within 120 days after the bill's effective date. Beginning 90 days after the list is established, a consumer reporting agency would have to notify a consumer on the then-current version of the list of any new activity involving that consumer in the preceding calendar quarter. The notice would have to be provided in writing within a reasonable amount of time. Creates new act. Sponsored by **Rep. Rick Baxter** (R-Hanover) and co-sponsored by 10 others. Referred to the House Committee on Banking and Financial Services 9-12-06. Passed by the House and given immediate effect 9-19-06. Referred to the Senate Committee on Banking and Financial Institutions 9-20-06. Referred to the Senate Committee on Government Operations 12-5-06. Died in committee.

**House Bill (HB) 6458 of 2006**

This bill would amend the Uniform Commercial Code to address bank stop-payment orders on checks when one or more blank checks are stolen from a customer, or when the bank customer is the victim of identity theft. Amends Public Act (PA) 174 of 1962. Sponsored by **Rep. David Farhat** (R-Fruitport) and co-sponsored by six others. Referred to the House Committee on Banking and Financial Services 9-12-06. House substitute bill adopted by the House 9-19-06. Passed by the House and given immediate effect 9-19-06. Referred to the Senate Committee on Banking and Financial Institutions 9-20-06. Died in committee.

**House Bill (HB) 6459 of 2006**

This bill would amend the Identity Theft Protection Act to prohibit a person, in the conduct of trade or commerce, from retaining all or any part of a consumer's credit card or account number for more than four years after a credit card purchase transaction was completed, or for more than the retention period established in any agreement between the person and the credit card issuer, whichever is longer. Information could be retained for a longer period with the consumer's consent. Amends Public Act (PA) 452 of 2004. Sponsored by **Rep. John Pastor** (R-Livonia) and co-sponsored by no others. Referred to the House Committee on Banking and Financial Services 9-12-06. Amended by the House 9-19-06. Bill passed by the House and given immediate effect 9-19-06. Referred to the Senate Committee on Banking and Financial Institutions 9-20-06. Died in committee.

**House Bill (HB) 6478 of 2006**

See **Public Act (PA) 674 of 2006** (below).

**House Bill (HB) 6553 of 2006**

See **Public Act (PA) 548 of 2006** (below).

**House Bill (HB) 6603 of 2006**

See **Public Act (PA) 593 of 2006** (below).

**House Bill (HB) 6626 of 2006**

Property tax; exemptions; tax exemption for senior housing when property is rehabilitated by a limited dividend housing corporation; provide for. Amends Public Act (PA) 206 of 1893. Sponsored by **Rep. John Stakoe** (R-Highland) and co-sponsored by no others. Referred to the House Committee on Tax Policy 11-14-06. Passed by the House and given immediate effect 11-30-06. Referred to the Senate Committee on Finance 12-6-06. Died in committee.

**House Bill (HB) 6694 of 2006**

This bill would amend the Revised Municipal Finance Act to allow a county, city, village or township, through September 30, 2010, without a vote of its electors, to issue a municipal security to pay the costs of its unfunded accrued liability, which would be the difference between the assets and liabilities of a health care trust fund created in accordance with the Public Employee Health Care Fund Investment Act, or other state or federal statute, and used exclusively to provide funding for post-employment health care benefits for public employee retirees. The term also would include the retiree health fund vehicle administered by the Municipal Employees Retirement System for a local unit that had adopted the system to provide funding for retiree health care benefits. Amends Public Act (PA) 34 of 2001. Sponsored by **Rep. Dave Hildenbrand** (R-Lowell) and co-sponsored by no others. Referred to the House Committee on Local Government and Urban Policy 11-30-06. Substitute bill adopted by the House 12-7-06. Bill amended by the House 12-7-06. Passed by the House and given immediate effect 12-7-06. Referred to the Senate Committee of the Whole 12-12-06. Senate rules suspended 12-12-06. Bill amendments concurred in by the Senate 12-14-06. Senate rules suspended 12-14-06. Senate bill amendments defeated 12-14-06. Senate vote reconsidered 12-14-06. Senate bill amendments again defeated 12-14-06. Senate rules suspended 12-14-06. Senate vote again reconsidered 12-14-06. Senate bill amendments adopted by the Senate 12-15-06. Passed by the Senate 12-15-06. Bill given Immediate effect 12-15-06. Senate amendments concurred in by the House 12-15-06. Bill ordered enrolled 12-15-06. Presented to the Governor 12-27-06. Pocket-vetoed by the Governor 1-10-06.

**House Bill (HB) 6695 of 2006**

Property; conveyances; transfer-on-death deeds; provide for. Amends RS 65 of 1846. Sponsored by **Rep. Barb Vander Veen** (R-Allendale) and co-sponsored by eight others. Referred to the House Committee on Senior Health, Security, and Retirement 11-30-06. House substitute bill adopted by the House 12-5-06. Passed by the House and given immediate effect 12-6-06. Referred to the Senate Committee on Judiciary 12-7-06. Died in committee.

**2005 Senate Bills that Moved but did not Become Law  
January 1, 2005 – December 31, 2006**

**Senate Bill (SB) 43 of 2005**

This bill would amend the Income Tax Act to encourage doctors to practice in medically underserved areas by giving them a tax credit for the first few years they practice in the community. Specifically, for tax years beginning after December 31, 2005, a qualified taxpayer with a full-time or part-time medical care practice could credit \$2,500 against the income tax for a maximum of three consecutive tax years. Amends Public Act (PA) 281 of 1967. Sponsored by **Sen. Samuel Thomas III** (D-Detroit) and co-sponsored by no others. Referred to the Senate Committee on Finance 1-25-05. Senate substitute bill concurred in by the Senate 4-18-06. Passed by the Senate 4-20-06. Referred to the House Committee on Tax Policy 4-25-06. Died in committee.

**Senate Bill (SB) 65 of 2005**

See **Public Act (PA) 612 of 2006** (below).

**Senate Bill (SB) 229 of 2005**

This bill and Senate Bill (SB) 230 would amend the Nonprofit Health Care Corporation Reform Act and the Insurance Code, respectively, to require that benefits for mental health services be issued by health insurance providers, health maintenance organizations (HMOs and Blue Cross and Blue Shield of Michigan (BCBSM) not be more restrictive than benefits for social services. Amends Public Act (PA) 350 of 1980. Sponsored by **Sen. Beverly S. Hammerstrom** (R-Temperance) and

co-sponsored by 10 others. Referred to the Senate Committee on Health Policy 2-22-05. Senate substitute bill concurred in by the Senate 12-6-06. Placed on third reading 12-6-06. Died on the floor of the Senate.

#### **Senate Bill (SB) 230 of 2005**

This bill and Senate Bill (SB) 229 would amend the Nonprofit Health Care Corporation Reform Act and the Insurance Code, respectively, to require that benefits for mental health services be issued by health insurance providers, health maintenance organizations (HMOs and Blue Cross and Blue Shield of Michigan (BCBSM) not be more restrictive than benefits for social services. Amends Public Act (PA) 350 of 1980. Sponsored by **Sen. Beverly S. Hammerstrom** (R-Temperance) and co-sponsored by 10 others. Referred to the Senate Committee on Health Policy 2-22-05. Senate substitute bill concurred in by the Senate 12-6-06. Placed on third reading 12-6-06. Died on the floor of the Senate.

#### **Senate Bill (SB) 267 of 2005**

Appropriations; community health; Michigan Department of Community Health (MDCH); provide for fiscal year 2005-2006. Creates new appropriations act. Sponsored by **Sen. Deborah Cherry** (D-Burton) and co-sponsored by one other. Referred to the Senate Committee on Appropriations 3-2-05. Senate substitute bill as amended concurred in by the Senate 6-14-05. Passed by the Senate 6-14-05. Referred to the House Committee on Appropriations 6-16-05. Senate substitute bill adopted by the House 6-28-05. Passed by the House 6-28-05. Returned to the Senate 6-28-05. House substitute bill nonconcurred in by the Senate 6-30-05. Referred to Conference Committee 9-13-05. Senate named conferees 9-13-06: **Sen. Tony Stamas** (R-Midland), **Sen. Thomas George** (R-Portage) and **Sen. Deborah Cherry** (D-Burton). House conferees named 9-13-06: **Rep. Bruce Caswell** (R-Hillsdale), **Rep. Roger Kahn** (R-Saginaw Township) and **Rep. Alma Smith** (D-Ypsilanti). Conference Report received in the Senate 10-11-05. Referred to the Senate Committee on Appropriations 10-11-05. Senate reconsidered nonconcurrence with House Bill 10-11-05. For final disposition of budget, see House Bill (HB) 4831/Public Act (PA) 154 of 2005.

#### **Senate Bill (SB) 271 of 2005**

See **Public Act (PA) 147 of 2005** (below).

#### **Senate Bill (SB) 309 of 2005**

See **Public Act (PA) 566 of 2006** (below).

#### **Senate Bill (SB) 334 of 2005**

This bill would amend the Customer Choice and Electricity Reliability Act (the act) to create the Low Income Energy Assistance and Efficiency Program within the Public Service Commission (PSC); require the PSC to implement a low income energy assistance and efficiency factor that would be a nonbypassable surcharge payable by every customer receiving a distribution service from a natural gas or electric utility with rates regulated by the PSC; create the Low Income Energy Assistance and Efficiency Fund within the State Treasury, and require money collected through the surcharge to be deposited into the fund; allow the PSC, in consultation with the Attorney General, to authorize the State Treasurer to make disbursements from the fund through a grant process to any entity that provided assistance to utility customers; and repeal Section 6c of the act which allows the PSC to approve energy conservation programs for residential customers, and fund those programs through general utility rates. Amends Public Act (PA) 3 of 1939. Sponsored by **Sen. Bruce Patterson** (R-Canton) and co-sponsored by 15 others. Referred to the Senate Committee on Technology and Energy 3-22-05. Referred to the Senate Committee of the Whole 5-24-05. Referred to the Senate Committee on Government Operations 9-14-05. Died in committee.



**Senate Bill (SB) 348 of 2005**

See **Public Act (PA) 114 of 2005** (below).

**Senate Bill (SB) 352 of 2005**

See **Public Act (PA) 73 of 2005** (below).

**Senate Bill (SB) 403 of 2005**

See **Public Act (PA) 333 of 2006** (below).

**Senate Bill (SB) 420 of 2005**

See **Public Act (PA) 353 of 2006** (below).

**Senate Bill (SB) 435 of 2005**

See **Public Act (PA) 427 of 2006** (below).

**Senate Bill (SB) 453 of 2005**

See **Public Act (PA) 372 of 2006** (below).

**Senate Bill (SB) 454 of 2005**

See **Public Act (PA) 573 of 2006** (below).

**Senate Bill (SB) 455 of 2005**

See **Public Act (PA) 574 of 2006** (below).

**Senate Bill (SB) 465 of 2005**

See **Public Act (PA) 481 of 2006** (below).

**Senate Bill (SB) 466 of 2005**

See **Public Act (PA) 575 of 2006** (below).

**Senate Bill (SB) 467 of 2005**

This bill would amend the Public Health Code to provide for the confidentiality of information regarding genetic testing performed on an individual; restrict the disclosure of such information; and authorize sanctions to be imposed on a person who violated the bill's provisions. Amends Public Act (PA) 368 of 1978. Sponsored by **Sen. Tom George** (R-Portage) and co-sponsored by 13 others. Referred to the Senate Committee on Health Policy 5-5-05. Senate substitute bill concurred in by the Senate 4-26-06. Passed by the Senate 4-27-06. Referred to the House Committee on Health Policy 4-27-06. Died in committee.

**Senate Bill (SB) 468 of 2005**

See **Public Act (PA) 482 of 2006** (below).

**Senate Bill (SB) 529 of 2005**

See **Public Act (PA) 338 of 2005** (below).

**Senate Bill (SB) 530 of 2005**

See **Public Act (PA) 339 of 2005** (below).

**Senate Bil (SB) 621 of 2005**

See **Public Act (PA) 28 of 2006** (below).

**Senate Bill (SB) 622 of 2005**

See **Public Act (PA) 29 of 2006** (below).

**Senate Bill (SB) 649 of 2005**

See **Public Act 576 of 2006** (below).

**Senate Bill (SB) 701 of 2005**

See **Public Act (PA) 450 of 2006** (below).

**Senate Bill (SB) 712 of 2005**

This bill would amend the Michigan Penal Code to allow recreational card playing at nonresidential senior centers. Currently Chapter 44 of the code, which regulates gambling, does not apply to card playing at senior citizen housing facilities. The bill would extend that exemption to senior centers that are not housing facilities. Amends Public Act (PA) 328 of 1931. Sponsored by **Sen. Cameron Brown** (R-Sturgis) and co-sponsored by no others. Referred to the Senate Committee on Senior Citizens and Veterans Affairs 8-31-05. Senate Fiscal Analyses 10-19-05 and 11-1-05. Senate substitute bill concurred in by the Senate 11-1-05. Passed by the Senate 11-3-05. Referred to the House Committee on Judiciary 11-3-05. Died in committee.

**Senate Bill (SB) 838 of 2005**

See **Public Act (PA) 144 of 2006** (below).

**Senate Bill (SB) 848 of 2005**

See **Public Act (PA) 412 of 2006** (below).

**Senate Bill (SB) 849 of 2005**

See **Public Act (PA) 413 of 2006** (below).

**Senate Bill (SB) 880 of 2005**

See **Public Act (PA) 399 of 2006** (below).

**2006 Senate Bills that Moved but did not Become Law  
January 1, 2005 – December 31, 2006**

**Senate Bill (SB) 1017 of 2006**

See **Public Act (PA) 617 of 2006** (below).

**Senate Bill (SB) 1027 of 2006**

This bill would amend the Adult Foster Care Facility Licensing Act to prohibit the promulgation of administrative rules or exceptions to rules that discriminate in favor or against a provider, facility or employer, based on the existence of a collective bargaining agreement with employees. This bill further provides that collective bargaining status, level of wages, or fringe benefits would not be used to demonstrate or excuse compliance with licensing or regulatory requirements. Amends Public Act (PA) 218 of 1979. Sponsored by **Sen. Alan L. Cropsey** (R-DeWitt) and co-sponsored by three others. Referred to the Senate Committee on Families and Human Services 2-2-06. Senate substitute bill concurred in by the Senate 2-14-06. Passed by the Senate 2-14-06. Referred to the House Committee on Government Operations 2-14-06. Passed by the House and given immediate effect 3-2-06. Returned to the Senate 3-2-06. Given immediate effect by the Senate 3-7-06. Bill ordered enrolled 3-7-06. Vetoed by the Governor 3-23-06.

**Senate Bill (SB) 1028 of 2006**

This bill would amend the Social Welfare Act to prohibit the promulgation of administrative rules or exceptions to rules that discriminate in favor or against a provider, facility or employer, based on

the existence of a collective bargaining agreement with employees. This bill further provides that collective bargaining status, level of wages, or fringe benefits would not be used to demonstrate or excuse compliance with licensing or regulatory requirements. Amends Public Act (PA) 280 of 1939. Sponsored by **Sen. Alan Sanborn** (R-Richmond) and co-sponsored by four others. Referred to the Senate Committee on Families and Human Services 2-2-06. Senate substitute bill concurred in by the Senate 2-14-06. Passed by the Senate 2-14-06. Referred to the House Committee on Government Operations 2-14-06. Passed by the House and given immediate effect 3-2-06. Returned to the Senate 3-2-06. Given immediate effect by the Senate 3-7-06. Bill ordered enrolled 3-7-06. Vetoed by the Governor 3-23-06.

#### **Senate Bill (SB) 1029 of 2006**

This bill would amend the Public Health Code to prohibit the promulgation of a rule or exception to a rule that discriminated for or against providers, facilities or employers, based on whether they had a collective bargaining agreement with employees, or that used collective bargaining status, level or wages, or fringe benefits to demonstrate or excuse compliance with state licensing or regulatory requirements. Amends Public Act (PA) 368 of 1978. Sponsored by **Sen. Beverly S. Hammerstrom** (R-Temperance) and co-sponsored by three others. Referred to the Senate Committee on Families and Human Services 2-2-06. Referred to the Senate Committee of the Whole with Senate substitute bill 2-9-06. Senate substitute bill as amended concurred in by the Senate 2-14-06. Passed by the Senate 2-14-06. Referred to the House Committee on Government Operations 2-14-06. Died in committee.

#### **Senate Bill (SB) 1030 of 2006**

This bill would amend the Mental Health Code to prohibit the promulgation of a rule or exception to a rule that discriminated for or against providers, facilities or employers, based on whether they had a collective bargaining agreement with employees, or that used collective bargaining status, level or wages, or fringe benefits to demonstrate or excuse compliance with state licensing or regulatory requirements. Amends Public Act (PA) 258 of 1974. Sponsored by **Sen. Beverly S. Hammerstrom** (R-Temperance) and co-sponsored by three others. Referred to the Senate Committee on Families and Human Services 2-2-06. Senate substitute bill concurred in by the Senate 2-14-06. Passed by the Senate 2-14-06. Referred to the House Committee on Government Operations 2-14-06. Died in committee.

#### **Senate Bill (SB) 1039 of 2006**

See **Public Act (PA) 577 of 2006** (below).

#### **Senate Bill (SB) 1083 of 2006**

See **Public Act (PA) 330 of 2006** (below)

#### **Senate Bill (SB) 1090 of 2006**

Appropriations; human services; Michigan Department of Human Services (MDHS); provide for fiscal year 2006-2007. Creates appropriation act. Sponsored by **Sen. Martha Scott** (D-Detroit) and co-sponsored by one other. Referred to the Senate Committee on Appropriations 2-28-06. Senate substitute bill as amended concurred in by the Senate 5-24-06. Senate bill amendments adopted by the Senate 5-24-06. Passed by the Senate 5-24-06. Immediate effect defeated 5-24-06. Referred to the House Committee on Appropriations 5-24-06. House substitute bill adopted by the House 5-31-06. Passed by the House 5-31-06. Returned to the Senate 5-31-06. House substitute bill nonconcurred in by the Senate 6-6-06. Senate names conferees: **Sen. Bill Hardiman** (R-Kentwood), **Sen. Thomas George** (R-Portage) and **Sen. Martha Scott** (D-Highland Park). House names conferees: **Rep. Rick Shaffer** (R-Three Rivers), **Rep. Roger Kahn** (R-Saginaw Township) and **Rep. Chris Kolb** (D-Ann Arbor). Referred to the Conference Committee 6-13-06. Senate names **Rep. Shaffer** to serve as Chair of the Conference Committee 6-13-06.

**Sen. Alan Cropsey** (R-DeWitt) replaces **Sen. Thomas George** as Conferee 7-18-06. For final disposition of budget, see HB 5796.

**Senate Bill (SB) 1172 of 2006**

See **Public Act (PA) 249 of 2006** (below).

**Senate Bill (SB) 1274 of 2006**

See **Public Act (PA) 582 of 2006** (below).

**Senate Bill (SB) 1255 of 2006**

This bill would amend the Social Welfare Act to require the Michigan Department of Community Health (MDCH) to submit Medicaid state plan amendments and include language in any waiver application related to the proposed Michigan First Health Care Plan submitted to the Federal Centers for Medicare and Medicaid Services to permit the State of Michigan to make the following changes to the Medicaid program: First, use Medicaid funds to create an incentive program for Medicaid recipients. The program would modify program benefits or cost-sharing for recipients who practiced positive health behavior. Second, permit the MDCH to create a pay-for-performance program for health maintenance organizations (HMOs). Third, permit the MDCH to work with Medicaid HMOs and provider organizations to create a preferred provider program for durable medical equipment. Fourth, permit the MDCH to use Medicaid funds to provide financial support for health information technology initiatives. Amends Public Act (PA) 280 of 1939. Sponsored by **Sen. Tom George** (R-Portage) and co-sponsored by 13 others. Referred to the Senate Committee on Appropriations 5-9-06. Senate substitute bill as amended concurred in by the Senate 5-31-06. Passed the Senate 6-1-06. Referred to the House Committee on Appropriations 6-6-06. Died in committee.

**Senate Bill (SB) 1274 of 2006**

See **Public Act (PA) 582 of 2006** (below).

**Senate Bill (SB) 1279 of 2006**

This bill would amend the Nonprofit Corporation Act to permit the use of electronic communication. It would specify that, when a notice is required or permitted by the Act to be given in writing, electronic transmission would be written notice; allow notice of meetings to be electronically transmitted; allow a board of directors to conduct a meeting of shareholders or members solely by means of remote communication; specify conditions under which a shareholder or member could participate in a meeting and vote by means of remote communication; allow a corporation's bylaws to permit voting by electronic transmission; describe conditions under which shareholders and members could consent by electronic transmission to actions taken without a meeting; and allow a board or committee to consent by electronic transmission to action taken without a meeting. This bill also defines "electronic transmission" or "electronically transmitted." Amends Public Act (PA) 162 of 1982. Sponsored by **Sen. Alan Sanborn** (R-Richmond). Referred to the Senate Committee on Economic Development, Small Business and Regulatory Reform 5-23-06. Bill amendments concurred in by the Senate 6-7-06. Passed by the Senate 6-8-06. Referred to the House Committee on Commerce 6-8-06. Died in committee.

**Senate Bill (SB) 1357 of 2006**

See **Public Act (PA) 473 of 2006** (below).

**Senate Bill (SB) 1360 of 2006**

This bill would amend the Revised Municipal Finance Act to allow a county, city, village or township to issue a municipal security to pay the costs of the unfunded actuarial liability of its public employee retirement system pension fund; and define "unfunded actuarial liability" as the amount

which a health care trust fund is short of the amount that will be necessary, without further payments into the trust fund, to pay post-employment health care benefits already earned by beneficiaries and participants of a public employee retirement system; require that the municipality make available to the public a comprehensive financial plan before issuing a municipal security for its health care trust fund; require a referendum on the question of issuing the security, if petitions containing a prescribed number of signatures were filed; provide that the outstanding securities issued for a health care trust fund could not exceed 5% of the State equalized evaluation of the property addressed in the municipality; provide that the taxes necessary to pay the principal and interest on the securities, plus the taxes levied for the same year, could not exceed the limit authorized by law; and require that municipal securities issued under the bill, and municipal securities issued for capital improvement be secured by the general fund of the municipality. Amends Public Act (PA) 34 of 2001. Sponsored by **Sen. Nancy Cassis** and co-sponsored by no others. Referred to the Senate Committee on Finance 7-26-06. Motion to discharge Senate committee approved 9-14-06. Referred to the Senate Committee on Finance 12-6-06. Died in committee.

### **Senate Bill (SB) 1361 of 2006**

This bill would create a new act entering Michigan into the Interstate Insurance Product Regulation Compact. Insurers that sell life insurance and other wealth-protection products, such as annuities and long-term care insurance, may be disadvantaged compared with their competitors in the banking and securities industries, because the insurers need to obtain regulatory approval of their products on a state-by-state basis. To address insurers' concerns about getting their products to market in an efficient and speedy manner, and to provide insurers' with "one-stop shopping" for multi-state product approval, it is suggested that Michigan become a compacting state by entering the compact. This would create uniform standards for specific insurance products and provide a central filing point for approval and review of insurance products. Creates new act. Sponsored by **Sen. Alan Sanborn** (R-Richmond) and co-sponsored by no others. Referred to the Senate Committee on Banking and Financial Institutions 7-26-06. Senate substitute bill concurred in by the Senate 9-13-06. Passed by the Senate 9-14-06. Referred to the House Committee on Insurance 9-14-06. Died in committee.

### **Senate Bill (SB) 1467 of 2006**

This bill would amend the Public Health Code to update provisions related to the quality assurance assessment program (QAAPs) for nursing homes and hospitals. The health care provider assessments were implemented in 2002 to finance Medicaid payment rate increases to the affected providers and offset state GF/GP costs for the program. The bill would authorize the appropriations from the fiscal year (FY) 2005-2006 Nursing Home QAAP to replace GF/GP revenue, and it would continue this amount for FY 2006-2007. This bill also would increase the amount of GP/GF revenue that can be retained by the state from the hospital QAAP revenue. These proposed changes are consistent with the funding levels appropriated in the Michigan Department of Community Health (MDCH) budget for both fiscal years. Amends Public Act (PA) 368 of 1978. Sponsored by **Sen. Deborah Cherry** (D-Burton) and co-sponsored by two others. Referred to the Senate Committee on Health Policy 9-20-06. Motion to discharge Senate committee approved 11-9-06. Referred to the Senate Committee on Appropriations 11-9-06. Senate substitute bill concurred in by the Senate 11-29-06. Passed by the Senate 11-30-06. Referred to the House Committee on Appropriations 11-30-06. Amended 12-15-06. Placed on third reading 12-15-06. Died on the floor of the House.

## **2005 Public Acts January 1, 2005 – December 31, 2005**

### **Public Act (PA) 24 of 2005**

**House Bill (HB) 4188 of 2005**

This bill amends the General Property Tax Act to increase from \$25,000 to \$35,000 the maximum household income of a taxpayer 62 years old, or older, who may defer the collection of summer property taxes, and to remove the income limit for other taxpayers eligible for the summer tax collection deferral. It amends Public Act (PA) 206 of 1893. Sponsored by **Rep. Tory Rocca** (R-Sterling Heights) and co-sponsored by 72 others, it was **approved by Gov. Granholm 5-23-05, and assigned PA 24 of 2005** with immediate effect.

**Public Act (PA) 72 of 2005****House Bill (HB) 4434 of 2005**

This bill amends the Public Health Code to provide that pharmacies that shared a real-time, online database or other equivalent means of communication, or pharmacies that transferred prescriptions pursuant to a written contract for centralized prescription processing services, will not have to follow the procedure established in the Code to refill a copy of a prescription from another pharmacy. It amends Public Act (PA) 368 of 1978. Sponsored by **Rep. Scott Hummel** (R-DeWitt) and co-sponsored by 82 others, this bill was tie-barred with SB 352 (which meant neither could take effect unless both did). It was **approved by Gov. Granholm 7-19-05, and assigned PA 72 of 2005** with immediate effect.

**Public Act (PA) 73 of 2005****Senate Bill (SB) 352 of 2005**

This bill amends the Public Health Code to allow a pharmacy to perform centralized prescription processing services or outsource those services to another pharmacy if certain conditions are met. It amends Public Act 368 of 1978. Sponsored by **Sen. Bill Hardiman** (R-Kentwood) and co-sponsored by 23 others, this bill was tie-barred with HB 4434 (which meant neither could take effect unless both did). It was **approved by Gov. Granholm 8-31-05, and assigned PA 73 of 2005** with immediate effect.

**Public Act (PA) 85 of 2005****House Bill (HB) 4405 of 2005**

This bill amends the Public Health Code to eliminate the authority of a disciplinary subcommittee to impose sanctions against a pharmacist for employing the mail to sell, distribute, or deliver a drug that requires a prescription when the prescription for the drug is received by mail. It amends Public Act (PA) 368 of 1978. Sponsored by **Rep. Gretchen Whitmer** (D-East Lansing) and co-sponsored by 63 others, it was **approved by Gov. Granholm 7-20-05, and assigned PA 85 of 2005** with immediate effect.

**Public Act (PA) 109 of 2005****House Bill (HB) 4436 of 2005**

Appropriations; zero budget; supplemental appropriations; provide for fiscal year 2004-2005. This bill increases private funds authorization for OSA \$75,000 to recognize private contributions for administering the Farmers' Market Nutrition Program for Seniors, or Project FRESH. Federal funds support the food costs, and the administrative costs must be supported by the state and other contributors. It creates a new appropriations act. Sponsored by **Rep. Scott Hummel** (R-DeWitt) and co-sponsored by no others, it was **approved by Gov. Granholm 9-15-05, and assigned PA 109 of 2005** with immediate effect.

**Public Act (PA) 114 of 2005****Senate Bill (SB) 348 of 2005**

The General Property Tax Act requires local tax collecting units that collect a summer property tax to defer the collection, at the taxpayer's request, until the following February 15 for the principal residence of taxpayers with a household income of \$35,000 or less. To be eligible for the

deferment, a taxpayer must be totally and permanently disabled, blind, paraplegic, quadriplegic, or an eligible serviceperson or an eligible veteran (or be the widow or widower of such a person). The deferment is also available to taxpayers who are at least 62 years of age, or the un-remarried surviving spouse of a person who was at least 62 years of age at time of death. This bill eliminates the income requirement for these taxpayers, except for taxpayers who are at least 62 years of age, or the un-remarried surviving spouse of a person who was at least 62 years of age at the time of death. For those taxpayers, the income threshold will increase to \$37,500 for the 2006 tax year and to \$40,000 for the 2007 tax year and beyond. It amends Public Act (PA) 206 of 1893. Sponsored by **Sen. Nancy Cassis** (R-Nov) and co-sponsored by four others, it was **approved by Gov. Granholm 9-21-05, and assigned PA 114 of 2005** with immediate effect.

**Public Act (PA) 147 of 2005**  
**Senate Bill (SB) 271 of 2005**

Appropriations; Family Independence Agency, now the Michigan Department of Human Services (MDHS); provide for fiscal year 2005-2006. Creates a new appropriations act. Sponsored by **Sen. Martha Scott** (D-Detroit) and co-sponsored by one other, it was **approved by Gov. Granholm 10-5-05 with line-items vetoed, and assigned PA 147** with immediate effect.

**Public Act (PA) 154 of 2005**  
**House Bill (HB) 4831 of 2005**

Appropriations; other; zero budget appropriations bill; provide for fiscal years 2005 and 2006. Creates a new appropriations act. Sponsored by **Rep. Scott Hummel** (R-DeWitt) and co-sponsored by no others, it was **approved by Gov. Granholm 10-5-05 with line items vetoed, and assigned PA 154** with immediate effect.

**Public Act (PA) 158 of 2006**  
**House Bill (HB) 5760 of 2006**

This bill amends amend the Public School Employees Retirement Act to extend until July 1, 2011 provisions that allow retired employees to work for certain school districts without a reduction in their retirement allowance. The current provisions are to expire on July 1, 2006. It amends Public Act (PA) 300 of 1980. Sponsored by **Rep. David Palsrok** (R-Manistee) and co-sponsored by eight others, it was **approved by Gov. Granholm 5-25-06, and assigned PA 158 of 2006** with immediate effect.

**Public Act (PA) 161 of 2005**  
**House Bill (HB) 4996 of 2005**

Under provisions of the Public Health Code, dental hygienists, under the supervision of a dentist, can now provide dental hygiene services to patients who have not first been examined by a dentist as part of a program for "dentally underserved" patients conducted by a local, state, or federal grantee health agency. This bill amends the Public Health Code to revise the criteria for designation as a grantee health agency to include, for example, a public or nonprofit entity, or a school or nursing home that administers a program of dental care to a dentally underserved population. It amends Public Act (PA) 368 of 1978. Sponsored by **Rep. Barb Vander Veen** (R-Allendale) and co-sponsored by 36 others, it was **approved by Gov. Granholm 10-4-05, and assigned PA 161 of 2005** with immediate effect.

**Public Act (PA) 187 of 2005**  
**House Bill (HB) 5055 of 2005**

This bill modifies the nursing home and hospital Quality Assurance Assessment Programs (QAAPs) to extend sunsets, reflect the amount of tax retained by the State, and change the way the nursing home QAAP is assessed. The QAAP includes county-owned nursing homes for the first time. It amends Public Act (PA) 368 of 1978. Sponsored by **Rep. Bruce Caswell** (R-

Hillsdale) and co-sponsored by no others, it was **approved by Gov. Granholm 10-27-05, and assigned PA 187 of 2005** with immediate effect.

**Public Act (PA) 338 of 2005**

**Senate Bill (SB) 529 of 2005**

This bill makes homestead facilities eligible for residential tax abatements under the Neighborhood Enterprise Zone Act. Before this bill became law, the act applied only to newly constructed and rehabilitated residential housing. This bill applies to other existing residences purchased since December 31, 1997. The homestead facility will receive a property tax abatement equal to one-half of the property taxes levied for operating purposes on the building by the local unit and the county. It amends Public Act 147 of 1992. Sponsored by **Sen. Martha Scott** (D-Highland Park) and co-sponsored by no others, it was **approved by Gov. Granholm 12/31/05, and assigned PA 338** with immediate effect.

**Public Act (PA) 339 of 2005**

**Senate Bill (SB) 530 of 2005**

This bill makes homestead facilities eligible for residential tax abatements under the Neighborhood Enterprise Zone Act. Before this bill became law, the act applied only to newly constructed and rehabilitated residential housing. This bill applies to other existing residences purchased since December 31, 1997. The homestead facility will receive a property tax abatement equal to one-half of the property taxes levied for operating purposes on the building by the local unit and the county. It amends Public Act (PA) 147 of 1992. Sponsored by **Sen. Samuel Thomas III** (D-Detroit) and co-sponsored by no others, it was **approved by Gov. Granholm 12-31-05, and assigned PA 339** with immediate effect.

**2006 Public Acts**  
**(January 1, 2006 – December 31, 2006)**

**Public Act (PA) 24 of 2006**

**House Bill (HB) 4670 of 2005**

This bill amends the Public Health Code to allow an individual who is retired from the active practice of medicine, osteopathic medicine and surgery, or podiatric medicine, and who wishes to donate his or her expertise for the medical care and treatment of indigent and needy individuals or individuals in medically underserved areas of the state, to obtain a special volunteer license to practice by submitting an application to the applicable board. It amends Public Act (PA) 368 of 1978. Sponsored by **Rep. Gary Newell** (R-Saranac) and co-sponsored by 22 others, it was **approved by Gov. Granholm 2-16-06, and assigned PA 24 of 2006** with immediate effect.

**Public Act (PA) 25 of 2006**

**House Bill (HB) 5375 of 2005**

This bill amends the Public Health Code to provide for civil immunity for retired physicians who volunteer their services at a health facility or agency serving the medically indigent. It amends Public Act (PA) 368 of 1978. Sponsored by **Rep. Gary Newell** (R-Saranac) and co-sponsored by 17 others, it was **approved by Gov. Granholm 2-16-06, and assigned PA 25 of 2006** with immediate effect.

**Public Act (PA) 26 of 2006**

**House Bill (HB) 5168 of 2005**

This bill amends the Public Health Code to require an applicant for a health profession license or registration, or for reinstatement or reclassification of a license or registration, to undergo a criminal background check. In addition, the bill allows a licensing board for good cause to request a licensee or registrant to have a criminal background check. It amends Public Act (PA) 368 of



1978. Sponsored by **Rep. Paula Zelenko** (D-Burton) and co-sponsored by 50 others, it was **approved by Gov. Granholm 2-16-05, and assigned PA 26 of 2006** with immediate effect.

**Public Act (PA) 27 of 2006**

**House Bill (HB) 5448 of 2005**

This bill amends the mental health code to require criminal history checks on individuals seeking employment, an independent contract, or clinical privileges with a psychiatric facility or immediate care facility for people with mental retardation. It amends Public Act (PA) 258 of 1974. It is tie-barred with HB 5168, SB 621 and SB 622. Sponsored by **Rep. Barb Vander Veen** (R-Allendale) and co-sponsored by 47 others, it was **approved by Gov. Granholm 2-16-05, and assigned PA 27 of 2006** with immediate effect.

**Public Act (PA) 28 of 2006**

**Senate Bill (SB) 621 of 2005**

This bill expands the requirements for criminal background checks for new employees at health facilities and agencies, as well as individuals seeking clinical privileges and independent contracts. It adds two sections to the Public Health Code that applies to a health facility or agency that is a nursing home, county medical facility, hospice, hospital that provides swing bed services, home for the aged, or home health agency. In each case, a request will be made to the Michigan Department of State Police to conduct a criminal history check and to forward fingerprints into the Automated Fingerprint Identification System (AFIS) database, and to forward fingerprints to the Federal Bureau of Investigation. The State Police will have to request the FBI to make a determination of any national criminal history pertaining to an applicant for employment. It amends Public Act (PA) 368 of 1978. It is tie-barred with HB 5168, HB 5448 and SB 622. Sponsored by **Sen. Patricia L. Birkholz** (R-Saugatuck) and co-sponsored by six others, it was **approved by Gov. Granholm 2-21-06, and assigned PA 28 of 2006** with immediate effect.

**Public Act (PA) 29 of 2006**

**Senate Bill (SB) 622 of 2005**

This bill expands the requirements for criminal background checks for new employees at foster care facilities, as well as individuals seeking clinical privileges and independent contracts. It amends the Adult Foster Care Facility. In each case, a request will be made to the Michigan Department of State Police to conduct a criminal history check and to forward fingerprints into the Automated Fingerprint Identification System (AFIS) database, and to forward fingerprints to the Federal Bureau of Investigation. The State Police will have to request the FBI to make a determination of any national criminal history pertaining to an applicant for employment. It amends Public Act (PA) 218 of 1979. It is tie-barred with HB 5168, HB 5448 and SB 621. Sponsored by **Sen. Tony Stamas** (R-Midland) and co-sponsored by six others, it was **approved by Gov. Granholm 2-21-06, and assigned PA 29 of 2006** with immediate effect.

**Public Act (PA) 38 of 2006**

**House Bill (HB) 4606 of 2005**

The bill amends the Public Health Code to require a health facility's or agency's policy describing patient or resident rights and responsibilities to include references to the Medical Records Access Act and the Health Insurance Portability and Accountability Act. It amends Public Act (PA) 368 of 1978. Sponsored by **Rep. Stephen Adamini** (D-Marquette) and co-sponsored by one other, it was **approved by Gov. Granholm 3-2-06, and assigned PA 38 of 2006** with immediate effect.

**Public Act (PA) 133 of 2006**

**House Bill (HB) 4423 of 2005**

This bill amends the public act which regulates home solicitation sales to provide that it will be an unfair or deceptive act or practice and a violation of the act for a telephone solicitor to misrepresent

in a message left for a consumer on his or her answering machine or voice mail that he or she had a current business matter or transaction, or a current business or customer relationship with the solicitor or another person, and request that the consumer call the solicitor of another person to discuss that matter, transaction or relationship. It amends Public Act (PA) 227 of 1971.

Sponsored by **Rep. Lisa Wojno** (D-Warren) and co-sponsored by 12 others, it was **approved by Gov. Granholm 5-10-06, and assigned Public Act (PA) 133 of 2006** with immediate effect.

#### **Public Act (PA) 137 of 2006**

##### **House Bill (HB) 5336 of 2005**

This bill adds Part 25 (Health Information Technology) to the Public Health Code to create the Health Information Technology Commission within the Michigan Department of Community Health (MDCH) to facilitate and promote the design, implementation, operation, and maintenance of an interoperable health care information infrastructure in Michigan. Sponsored by **Rep. Gary Newell** (R-Saranac) and co-sponsored by 39 others, it was **approved by Gov. Granholm 5-10-06, and assigned Public Act (PA) 137 of 2006** with immediate effect.

#### **Public Act (PA) 144 of 2006**

##### **Senate Bill (SB) 838 of 2005**

This bill amends the Social Welfare Act by eliminating the provision that defines caretaker relatives and 19 and 20 year-olds who meet certain requirements as medically indigent, and therefore, categorically eligible for Medicaid. This bill replaces references to categorical Medicaid eligibility for 19 and 20 year-olds, and caretaker relatives with language that eligibility will be subject to Title XIX eligibility standards for optional groups, subject to limitations imposed by the Director according to Title XIX. It amends Public Act 280 of 1939. Sponsored by **Sen. Robert L. Emerson** (D-Flint) and co-sponsored by no others, it was **approved by Gov. Granholm 5-22-06, and assigned PA 144 of 2006** with immediate effect.

#### **Public Act (PA) 157 of 2006**

##### **House Bill (HB) 5631 of 2006**

This bill amends the Public Health Code to require the Director of the Michigan Department of Agriculture (MDA) to assist the Michigan Department of Community Health (MDCH) in any review or update of the pandemic influenza plan, and cooperate with the MDCH Director in his or her response to certain epidemics. It amends Public Act (PA) 368 of 1978. It was tie barred with HB 5630 of 2006 (which meant neither bill could take effect unless both did). Sponsored by **Rep. Richard Ball** (R-Laingsburg) and co-sponsored by 12 others, it was **approved by Gov. Granholm 5-25-06, and assigned PA 157 of 2006** with immediate effect.

#### **Public Act (PA) 163 of 2006**

##### **House Bill (HB) 5630 of 2006**

This bill amends the Public Health Code to require the Michigan Department of Community Health (MDCH) to establish and maintain a pandemic influenza plan. MDCH will have to review and update the plan at least annually. The MDCH will have to make the plan and any updates to it available to the public through the MDCH website. It amends Public Act (PA) 368 of 1978. It was tie barred with HB 5631 of 2006 (which meant neither bill could take effect unless both did). Sponsored by **Rep. Leslie Mortimer** (R-Horton) and co-sponsored by 23 others, it was approved by **Gov. Granholm 5-25-06, and assigned PA 163 of 2006** with immediate effect.

#### **Public Act (PA) 218 of 2006**

##### **House Bill (HB) 5962 of 2006**

This bill amends the Nonprofit Health Care Corporation Act, which regulates Blue Cross Blue Shield of Michigan (BCBS). The Nonprofit Health Care Corporation Act requires BCBS to use reasonable care to secure records from unauthorized access to ensure the confidentiality of

records containing personal information, and to collect only personal data necessary for proper review and payment of claims. This bill applies this restriction to personal data necessary for health care operations, treatment and research. The Nonprofit Health Care Corporation Act also prohibits BCBS from disclosing records containing personal data that may be associated with an identifiable member, or concerning a member, without that member's written consent. This bill makes an exception for health care operations, treatment, research, payment, and health oversight activities. This bill also specifies that compliance with the federal Health Insurance Portability and Accountability Act (HIPPA) and regulations promulgated under that act, will satisfy the confidentiality requirements. It amends Public Act (PA) 350 of 2006. Sponsored by **Rep. Joe Hune** (R-Hamburg) and co-sponsored by three others, it was approved by **Gov. Granholm 6-27-06, and assigned PA 192 of 2006** with immediate effect.

#### **Public Act (PA) 249 of 2006**

##### **Senate Bill (SB) 1172**

This bill amends the Emergency Telephone Service Enabling Act to require the State 9-1-1 Director, by December 1, 2006, to delay the Act's 12-31-06 sunset until 12-31-07; issue to the Legislature and the Governor a report making recommendations for stable, equitable long-term funding of the State's 9-1-1 system, as well as recommendations for the establishment of standards for the training and response time of 9-1-1 personnel; and require that the report contain a recommendation that any 9-1-1 fees collected from communications providers be assessed in a competitively neutral manner. It amends Public Act (PA) 32 of 1986. Sponsored by **Sen. Cameron Brown** (R-Sturgis) and co-sponsored by no others, it was approved by **Gov. Granholm 6-28-06, and assigned PA 249 of 2006** with immediate effect.

#### **Public Act (PA) 299 of 2006**

##### **House Bill (HB) 4870 of 2005**

This bill amends the Estate and Protected Individual Code (EPIC) to use the order of priority of inheritance established under EPIC for a person who dies intestate (without a will) as the presumed order of priority of individuals who have the rights and powers to make decisions about a decedent's body; specifies the person (a guardian or personal representative, or the county public administrator) who has those rights and powers if no one in the order of priority existed, exercised the rights and powers, or could be located; allow an individual, other than a person with priority or a person described above, to file an action in circuit court to challenge the presumption and be determined as the individual who has the authority to make decisions about a decedent's body; requires that decisions be made by majority if the rights and powers were shared; allows an individual with the rights and powers to make decisions about a decedent's body, or a funeral establishment that custody of the body, to petition the probate court to determine who had the authority to make these decisions, if there were a disagreement between individuals who shared the rights and powers, or if one or more individuals in the order of priority could not be located; specifies activities for which a funeral establishment will not be responsible or liable; specifies that a funeral establishment, mortician, cemetery, or crematory can rely on EPIC and the instruction of a person in the order of priority or determined by the court to be the party to exercise the rights and powers to make decisions about a decedent's body; and provides that the bill will not affect an anatomical gift. It amends Public Act (PA) 386 of 1998. It was tie barred with HB 4890 of 2005 and HB 4891 of 2005 (which meant none of these bills could take effect until all three did). Sponsored by **Rep. Bruce Caswell** (R-Hillsdale) and co-sponsored by four others, **it was approved by Gov. Granholm 7-18-06, and assigned PA 299 of 2006** with immediate effect.

#### **Public Act (PA) 300 of 1006**

##### **House Bill (HB) 4891 of 2005**

This bill amends the Occupational Code to refer to a person with authority under the Estates and Protected Individual Code (EPIC) to make decisions about a decedent's body, rather than to the

decendent's next of kin, in several provisions of Article 18, which governs the practice of mortuary science. It amends Public Act (PA) 299 of 1980. It was tie barred with HB 4870 of 2005 (which meant neither bill could take effect unless both did). Sponsored by **Rep. David Law** (R-West Bloomfield) and co-sponsored by six others, **it was approved by Gov. Granholm 7-18-06, and assigned PA 300 of 2006** with immediate effect.

**Public Act (PA) 301 of 2006**  
**House Bill (HB) 5836 of 2006**

This bill amends the Public Health Code to refer to the person with authority under the Estates and Protected Individuals Code (proposed by HB 4870) rather than the next of kin, specific relatives, or a special administrator appointed by the probate court, in provisions of the Public Health Code. It amends Public Act (PA) 368 of 1978. It was tie barred with HB 4870 of 2005 (which meant neither bill could take effect unless both did). Sponsored by **Rep. Bruce Caswell** (R-Hillsdale) and co-sponsored by no others, **it was approved by Gov. Granholm 7-18-06, and assigned PA 301 of 2006** with immediate effect.

**Public Act (PA) 330 of 2006**  
**Senate Bill (SB) 1083 of 2006**

Appropriations; community health; Department of Community Health; provide for fiscal year 2006-2007. Creates appropriation act. Sponsored by **Sen. Deborah Cherry** (D-Burton) and co-sponsored by one other, **it was approved by Gov. Granholm 8-10-06, and assigned PA 330 of 2006** with immediate effect.

**Public Act (PA) 333 of 2006**  
**Senate Bill (SB) 403 of 2005**

This bill establishes a licensure framework for dietitians and nutritionists, establish minimum educational standards, sets licensure fees, describes a scope of practice, and creates the Michigan Board of Dietetics and Nutrition. It amends Public Act (PA) 368 of 1978. Sponsored by **Sen. Laura Toy** (R-Livonia) and co-sponsored by three others, **it was approved by Gov. Granholm 8-15-06, and assigned PA 333 of 2006** with immediate effect.

**Public Act (PA) 345 of 2006**  
**House Bill (HB) 5796 of 2006**

Appropriations; other; omnibus budget appropriations bill; provide for fiscal years 2006 and 2007. Creates appropriation act. Sponsored by **Rep. Scott Hummel** (R-DeWitt) and co-sponsored by seven others, **it was approved by Gov. Granholm 8-15-06, and assigned PA 345 of 2006** with immediate effect.

**Public Act (PA) 352 of 2006**  
**House Bill (HB) 5602 of 2006**

This bill amends the Michigan Adoption Code to make an exception to a provision under which an adoptee is no longer the heir of a parent whose parental rights have been terminated; the exception applies to a child adopted by the spouse of a natural parent, as provided in the Estates and Protected Individuals Code (EPIC). The bill also revises language concerning an order for grandparenting time. The Adoption Code states it does not prohibit the entry of an order for grandparenting time under the Child Custody Act (which governs grandparenting time actions). Under this bill, the Adoption Code does not prohibit either the filing of an action, or the entry of an order for grandparenting time, as provided in the Child Custody Act. Under the Adoption Code, while a stepparent adoption proceeding is pending, a parent of a natural parent may seek an order for grandparenting time of the adoptee in the same manner as set forth in the Child Custody Act. This bill deletes that provision. It amends Public Act (PA) 288 of 1939. Tie barred with Senate Bill (SB) 420 of 2005 (which meant neither bill could take effect unless both did). Sponsored by **Rep**

**Tonya Schuitmaker** (R-Lawton) and co-sponsored by two others, it **was approved by Gov. Granholm 9-15-06 and assigned Public Act (PA) 352 of 2006** with immediate effect.

**Public Act (PA) 353 of 2006**

**Senate Bill (SB) 420 of 2005**

Under this bill, the right to commence an action for grandparenting time with a child who had been adopted by a stepparent is limited to the parents of a deceased parent of the child. It amends Public Act (PA) 91 of 1970. Tie barred with SB 5602 of 2006 (which meant neither bill could take effect unless both did). Sponsored by **Sen. Irma Clark-Coleman** (D-Detroit) and co-sponsored by 19 others, it **was approved by Gov. Granholm 9-15-06, and assigned PA 353 of 2006** with immediate effect.

**Public Act (PA) 372 of 2006**

**Senate Bill (SB) 453 of 2005**

This bill amends the Income Tax Act to allow taxpayers, for tax years beginning after December 31, 2007, to claim a refundable credit against the state income tax equal to a portion of the amount of the federal Earned Income Tax Credit (EITC) for the same tax year as follows: The credit will be 10 percent of the EITC for the 2008 tax year, and the credit will be 20 percent of the EITC for the 2009 tax year and beyond. It amends Public Act (PA) 281 of 1967. Tie barred with SB 1364 and HB 6213 (which meant none of these bills could take effect unless all three did). Sponsored by **Sen. Nancy Cassis** (R-Novi), it **was approved by Gov. Granholm 9-22-06, and assigned PA 372 of 2006** with immediate effect.

**Public Act (PA) 398 of 2006**

**House Bill (HB) 6253 of 2006**

This bill extends by five years the ability of Canadian health care professionals, including RNs, to obtain licenses to practice in Michigan through an expedited process. It amends Public Act (PA) 368 of 1978. Sponsored by **Rep. Edward Gaffney** (R-Grosse Pointe Farms) and co-sponsored by 12 others, it **was approved by Gov. Granholm 9-26-06, and assigned PA 398 of 2006** with immediate effect.

**Public Act (PA) 399 of 2006**

**Senate Bill (SB) 880 of 2005**

This bill creates a new Chapter of the Insurance Code to require an insurance producer or insurer to have reasonable grounds to believe that a recommendation to a senior consumer (age 65 or older) to purchase or exchange an annuity was suitable to the consumer based on his or her financial situation; and require an insurance producer or insurer to make reasonable efforts to obtain a senior consumer's financial information before executing a purchase or exchange of an annuity; The bill also requires an insurer to establish and maintain a system to supervise recommendations, designed to achieve compliance with the bill, or assure that such a system was established and maintained; and allow the Commissioner of the Office of Financial and Insurance Services (OFIS) to order an insurer to insurance producer to take corrective action for a senior consumer harmed by a violation of the bill. It amends Public Act (PA) 218 of 1956. Sponsored by **Sen. Gerald Van Woerkom** (R-Norton Shores) and co-sponsored by two others, it **was approved by Gov. Granholm 9-29-06** with immediate effect.

**Public Act (PA) 412 of 2006**

**Senate Bill (SB) 848 of 2005**

This bill adds new sections to the Insurance Code and the Nonprofit Health Care Corporation Reform Act to permit an insurer, a health maintenance organization (HMO), and Blue Cross/Blue Shield of Michigan (BCBSM) to offer wellness coverage that could include premium rates or reductions, or reduced co-payments or deductibles. It takes effect January 1, 2007, and it amends

the Insurance Code to apply the new provisions to an insurer providing an expense-incurred hospital, medical, or surgical certificate delivered, issued for delivery, or renewed in this state, as well as an HMO. Amends Public Act (PA) 218 of 1956. Sponsored by **Sen. Tom George** (R-Portage) and co-sponsored by 21 others, it **was approved by Gov. Granholm 9-29-06, and assigned PA 412 of 2006**, but without immediate effect.

**Public Act (PA) 413 of 2006**  
**Senate Bill (SB) 849 of 2005**

This bill adds new sections to the Insurance Code and the Nonprofit Health Care Corporation Reform Act to permit an insurer, a health maintenance organization (HMO), and Blue Cross/Blue Shield of Michigan (BCBSM) to offer wellness coverage that could include premium rates or reductions, or reduced co-payments or deductibles. It takes effect January 1, 2007, and it amends the Nonprofit Health Care Corporation Reform Act to apply the provisions to BCBSM. It amends Public Act (PA) 350 of 1980. Sponsored by **Sen. Tom George** (R-Portage) and co-sponsored by 21 others, it **was approved by Gov. Granholm 9-29-06, and assigned PA 413 of 2006**, but without immediate effect.

**Public Act (PA) 416 of 2006**  
**House Bill (HB) 5672 of 2006**

This bill amends the Public Health Code to do the following: require the Board of Pharmacy to create a cancer drug program; allow an individual who was at least 18 years old to donate legally obtained cancer drugs or supplies to a cancer drug repository, and allow donations by a pharmacy, health facility, manufacturer or wholesale distributor; establish eligibility criteria for donated drugs and supplies; and establish priorities for dispensing donated drugs and supplies, and require an individual who received a cancer drug or supply to provide verification that he or she had a current diagnosis of cancer. It amends Public Act (PA) 368 of 1978. Sponsored by **Rep. Barb Vander Veen** (R-Allendale) and co-sponsored by 20 others, it **was approved by Gov. Granholm 9-29-06, and assigned PA 416 of 2006** with immediate effect.

**Public Act (PA) 427 of 2006**  
**Senate Bill (SB) 435 of 2005**

This bill makes numerous amendments to the Bingo Act, most notably increasing the limits on prizes from \$500 to \$1,100 for a single bingo game, and from \$2,000 to \$3,500 for a single occasion. Sponsored by **Sen. Jim Barcia** (D-Bay City) and co-sponsored by two others, it **was approved by Gov. Granholm 10-3-06, and assigned PA 427 of 2006** with immediate effect.

**Public Act (PA) 441 of 2006**  
**House Bill (HB) 5348 of 2005**

This bill repeals provisions of the Nonprofit Health Care Corporation Reform Act governing long-term care coverage offered by Blue Cross and Blue Shield of Michigan, and includes them in provisions of the Insurance Code regulating long-term care coverage. It also amends the Insurance Code to include services provided in an assisted living facility among the services covered by long-term care insurance. It amends Public Act (PA) 218 of 1956. Sponsored by **Rep. Kevin Green** (R-Wyoming) and co-sponsored by 10 others, it **was approved by Gov. Granholm 10-18-06, and assigned PA 441 of 2006** with immediate effect.

**Public Act (PA) 442 of 2006**  
**House Bill (HB) 5349 of 2005**

This bill amends the Insurance Code to do the following: include long-term care among the subjects to be covered in a life-health insurance agent program of study; prohibit an individual long-term care policy or certificate from being issued until the insurer received from the applicant a designation of an additional person to receive notice of lapse or termination of the policy for

nonpayment of premium, or a waiver of the right to designate an additional person, beginning March 1, 2007; prohibit the lapse or termination of an individual long-term care policy unless the insurer gave the insured and an designated additional person at least 30 days notice, beginning March 1, 2007; prohibit a long-term care policy from being delivered or issued unless the policyholder were offered the option of purchasing a policy or certificate including a nonforfeiture benefit, subject to certain exceptions, and require an insurer to provide a contingent benefit upon lapse to a person who declined the nonforfeiture benefit; require policyholders to be notified at least 45 days before the effective date of a premium increase; require an insurer to offer reduced policy benefits or a shortened benefit period the effective date of a substantial premium increase; require an insurer to give an applicant information about previous and potential premium rate increases, beginning June 1, 2007; require an insurer to give an actuarial certification to the Commissioner of the Office of Financial and Insurance Services 30 days before offering a long-term care policy or certificate available for sale, and allow the Commissioner to request an actuarial demonstration that benefits were reasonable in relation to premiums, beginning June 1, 2007; require an insurer to give the Commissioner at least 30 days notice of a pending premium rate schedule increase, beginning June 1, 2007; allow the Commissioner to require an insurer to implement rate schedule adjustments if he or she determined that the actual experience following a rate increase did not adequately match the projected experience, beginning June 1, 2007; require the Commissioner to review the projected lapse rates and past lapse rates following a rate increase to determine if significant adverse lapsation occurred or was anticipated, under certain circumstances; and allow the Commissioner to determine that a rate spiral existed, and require an insurer to take certain actions, beginning June 1, 2007; apply only to policies issued before June 1, 2007, a provision under which benefits under individual long-term care policies are considered reasonable in relation to premiums provide the expected loss ratio of at least 60%; and require an insurer marketing long-term care insurance to develop suitability standards to determine whether the purchase of long-term care insurance was appropriate for the needs of the applicant. It amends Public Act (PA) 218 of 1956. Sponsored by **Rep. Paula Zelenko** (D-Burton) and co-sponsored by 36 others, it **was approved by Gov. Granholm 10-18-06, and assigned PA 442 of 2006** with immediate effect.

#### **Public Act (PA) 450 of 2006**

##### **Senate Bill (SB) 701 of 2006**

This bill amends the uniform crime reporting Act to require law enforcement agencies to enter information into the Law Enforcement Information Network (LEIN) and the National Crime Information Center (NCIC) when a person who was believed to be unable to return to his or her residence without assistance was reported missing. It amends Public Act (PA) 319 of 1968. Sponsored by **Sen. Cameron Brown** (R-Sturgis), it **approved y Gov. Granholm 12-14-06, and assigned PA 450** with immediate effect.

#### **Public Act (PA) 459 of 2006**

##### **House Bill (HB) 6039 of 2006**

The bill amends the Public Health Code to establish in the Michigan Department of Community Health (MDCH) the Healthcare Information Technology and Infrastructure Development Fund to promote the development and adoption of healthcare information technologies designed to improve the quality, safety and efficiency of health care services. It amends Public Act (PA) 368 of 1978. It was tie barred with HB 5336 of 2005 (which meant neither bill could take effect unless both did). Sponsored by **Rep. Gary Newell** (R-Saranac) and co-sponsored by 36 others, it was **approved by Gov. Granholm 12-19-06, and assigned PA 459** with immediate effect.

#### **Public Act (PA) 462 of 2006**

##### **House Bill (HB) 6359 of 2006**

This bill amends Chapter 38 (Medicare, Supplemental Policies and Certificates) of the Insurance

Code as it relates to Medicare supplemental policies, commonly known as Medigap policies that provide expanded coverage to Medicare recipients. It amends Public Act (PA) 218 of 1956. Sponsored by **Rep. Richard Ball** (R-Laingsburg) and co-sponsored by no others, it was **approved by Gov. Granholm 12-19-06, and assigned PA 462** with immediate effect.

#### **Public Act (PA) 473 of 2006**

#### **Senate Bill (SB) 1357 of 2006**

This bill amends Public Act 47 of 1945 (dealing with local hospital authorities) to include in the definition of “hospital” and “community hospitals and related facilities” a long-term care facility, an assisted living facility, a home for the aged, a senior citizen housing facility, and a health and wellness facility. Currently the definition includes, among other things, buildings or structures and related facilities suitable for, incidental or ancillary to the care of the sick or wounded, or for the care of people requiring medical treatment. The bill also includes care of the elderly in the definition. Under the act, two or more cities, villages or townships, or a combination of those local units, with voter approval, may join to form a hospital authority and issue bonds for the purpose of planning, promoting, acquiring, constructing, improving, owning, maintaining and operating one or more community hospitals and related buildings or structures and related facilities. Amends Public Act (PA) 47 of 1945. Sponsored by **Sen. Michelle McManus** (R-Lake Leelanau) and co-sponsored by six others, it was **approved by Gov. Granholm 12-19-06, and assigned PA 473** with immediate effect.

#### **Public Act (PA) 481 of 2006**

#### **Senate Bill (SB) 465 of 2005**

This bill amends the public health code to require an individual licensed under the Public Health Code to keep and maintain a record for each patient (as currently required of a health facility or agency); and it requires the records maintained by a licensee, or a health facility or agency, to be kept for at least seven years, unless a longer period of time is required under federal or state laws or regulations, or by generally accepted standards of medical practice. However, a record that has been kept for less than seven years can be destroyed if the licensee or health facility or agency followed procedures specified in the bill. This bill also provides a mechanism by which a licensee or health facility or agency can dispose of patient health records older than seven years. In addition, it requires a licensee, facility or agency, that was unable to comply with the record maintenance requirements, to contract with another provider to do so; requires a licensee, facility or agency, upon ceasing to practice or operate, to notify patients and the Michigan Department of Community Health (MDCH), and to either transfer or destroy the records, as provided; and it requires an applicant for licensure or license renewal to include an affidavit concerning his or her written policy for the maintenance of patient medical records, and the proper transfer or disposal of those records if he or she ceases to practice, or closes the practice as specified in the bill. It amends Public Act (PA) 368 of 1978. Sponsored by **Sen. Gilda Jacobs** (D-Huntington Woods) and co-sponsored by 16 others, it **was approved by Gov. Granholm 12-19-06, and assigned PA 481 of 2006** with immediate effect.

#### **Public Act (PA) 482 of 2006**

#### **Senate Bill (SB) 468 of 2005**

This bill amends the Freedom of Information Act. It allows a public body to exempt from disclosure as a public record certain information and documents, i.e. information of a personal nature if public disclosure of that information constitutes a clearly unwarranted invasion of an individual's privacy. The bill also includes protected health information as defined under federal law. It amends Public Act (PA) 442 of 1976. Sponsored by **Sen. Deborah Cherry** (D-Burton) and co-sponsored by 14 others, it **was approved by Gov. Granholm 12-19-06, and assigned PA 482 of 2006** with immediate effect.



**Public Act (PA) 542 of 2006****House Bill (HB) 6032 of 2006**

This bill would amend the Patient's Right to Independent Review Act. This act enables persons with health insurance to request a review by an independent review organization to resolve disputes over covered benefits. This bill would clarify that the term "health carrier" would exclude a state department or agency that administered a plan of medical assistance under the Social Welfare Act (Medicaid). Amends Public Act (PA) 251 of 2000. Sponsored by **Rep. Roger Kahn** (R-Saginaw Township) and co-sponsored by 13 others, it **was approved by Gov. Granholm 12-28-06, and assigned PA 542 of 2006** with immediate effect.

**Public Act (PA) 548 of 2006****House Bill (HB) 6553 of 2006**

The bill amends the Code of Criminal Procedure to revise the scoring of offense variable 9 (number of victims) in the application of the sentencing guidelines, and includes as victims people who were placed in danger of property loss. It applies to each victim who has suffered loss of property, as well as persons who are placed in danger of physical injury. Amends Public Act (PA) 175 of 1927. Sponsored by **Rep. John Stakoe** (R-Highland) and co-sponsored by 17 others, it **was approved by Gov. Granholm 12-28-06, and assigned PA 548 of 2006** with immediate effect.

**Public Act (PA) 566 of 2006****Senate Bill (SB) 309 of 2005**

This bill would amend the Identity Theft Protection Act to require a state agency or person doing business in Michigan, that owned or licensed computerized data that included personal identifying information, to notify a Michigan resident or person reasonably believed was acquired, by an unauthorized person; require an agency, or person doing business in Michigan, that maintained computerized data, including personal identifying information, to notify the information's owner or licensee of a breach in the data's security, if personal identifying information were acquired, or the agency or person reasonably believed it was acquired by an unauthorized person; specify that an agency or person, required to give notice under the bill, also would have to notify the Michigan Department of Attorney General, the Michigan Department of State Police, and a local law enforcement agency; include failure to give the required notice in the Act's list of prohibited activities in the conduct of trade or commerce; and specify civil remedies for a person injured by a violation of the bill. Amends Public Act (PA) 452 of 2004. Sponsored by **Sen. Shirley Johnson** (R-Troy) and co-sponsored by six others, it **was approved by Gov. Granholm 12-30-06, and assigned PA 566 of 2006** with immediate effect.

**Public Act (PA) 568 of 2006****House Bill (HB) 6300 of 2006**

This bill would amend the Public Health Code to include a medical first responder who met the Code's requirements among the personnel eligible for licensure as an emergency medical services (EMS) instructor-coordinator. Currently these personnel include emergency medical technicians (EMTs), EMT specialists and paramedics. Amends Public Act (PA) 368 of 1978. Sponsored by **Rep. Dave Hildenbrand** (R-Lowell) and co-sponsored by one other, it **was approved by Gov. Granholm 12-30-06, and assigned PA 568 of 2006** with immediate effect.

**Public Act (PA) 573 of 2006****Senate Bill (SB) 454 of 2005**

This bill amends the Michigan Penal Code to prescribe penalties for an agent, servant or employee who embezzles money or property worth less than \$200 from a nonprofit corporation or charitable organization under federal or state law, or property from a nonprofit corporation or charitable organization that is worth at least \$200 but less than \$1,000; or a person who embezzles money or

property worth at least \$200 from a nonprofit corporation or charitable organization and has a prior conviction for embezzlement; or a person who embezzles money or property worth at least \$1,000 or less than \$20,000 from a nonprofit corporation or charitable organization under federal or state law; or a person who embezzles money or property worth at least \$200 but less than \$1,000 and has had two or more convictions for embezzlement; or a person who embezzles money or personal property worth \$50,000 or more, but less than \$100,000 from a nonprofit corporation or charitable organization. In addition, the bill allows the court to order a term of imprisonment for felony embezzlement to be served consecutively to any term of imprisonment imposed for any other criminal offense, if the embezzlement victim is a nonprofit corporation or charitable organization under federal or state law, a person age 60 or older, or a “vulnerable adult” (an individual who because of age, developmental disability, mental illness or physical disability requires supervision or personal care). Amends Public Act (PA) 328 of 1931. Sponsored by **Sen. Valde Garcia** (R-Howell) and co-sponsored by three others, it **was approved by Gov. Granholm 12-30-06, and assigned PA 573 of 2006** with immediate effect.

#### **Public Act (PA) 574 of 2006**

##### **Senate Bill (SB) 455 of 2005**

This bill amends the Code of Criminal Procedure to include felony violations for embezzlement from a nonprofit organization in the sentencing guidelines. Under this bill, embezzlement by an agent of \$200 to \$1,000 from a nonprofit corporation or charitable organization is a Class E property felony subject to a statutory maximum of five years imprisonment, and embezzlement by an agent of \$1,000 to \$20,000 from a nonprofit corporation or charitable organization is a Class D property felony subject to a statutory maximum sentence of 10 years imprisonment. The bill also specifies that embezzlement by an agent of \$50,000 or more but less than \$100,000 would be a Class C felony involving property with a maximum term of imprisonment of 15 years, and that embezzlement by an agent of \$100,000 or more would be a Class B felony involving property with a maximum term of imprisonment of 20 years. Amends Public Act (PA) 175 of 1927. Sponsored by **Sen. Valde Garcia** (R-Howell) and co-sponsored by two others, it **was approved by Gov. Granholm 12-30-06, and assigned PA 574 of 2006** with immediate effect.

#### **Public Act (PA) 575 of 2006**

##### **Senate Bill (SB) 466 of 2005**

This bill amends the Social Welfare Act to increase from six to seven years the length of time a provider must retain a record of the services, supplies or equipment provided to a person enrolled in the Medicaid program. The bill also requires a provider to protect, maintain, retain, and dispose of patient medical records and other individually identifying information in accordance with the act, any other applicable state or federal law, and the most recent provider agreement. Furthermore, the bill prescribes standards for the disposal of a patient's records or identifying information. Amends Public Act (PA) 280 of 1939. Sponsored by **Sen. Bruce Patterson** (R-Canton) and co-sponsored by 12 others, it **was approved by Gov. Granholm 12-30-06, and assigned PA 575 of 2006** with immediate effect.

#### **Public Act (PA) 576 of 2006**

##### **Senate Bill 649 of 2006**

This bill amends the Social Welfare Act to extend for five years a provision that limits a county's maintenance of effort rate for Medicaid-funded long-term care services to the rate in effect in 1984. This bill changes the date of the sunset provision to December 31, 2012. Amends Public Act (PA) 280 of 1939. Sponsored by **Sen. Tony Stamas** (R-Midland) and co-sponsored by one other, it **was approved by Gov. Granholm 12-30-06, and assigned PA 576 of 2006** with immediate effect.

#### **Public Act (PA) 577 of 2006**

**Senate Bill (SB) 1039 of 2006**

This bill amends the Streamlined Sales and Use Tax Revenue Equalization Act to allow a nonprofit organization that sold an item at a charitable auction to claim a tax refund of 6% of the proceeds over the item's fair market value. Amends Public Act (PA) 175 of 2004. Sponsored by **Sen.**

**Michelle McManus** (R-Lake Leelanau) and co-sponsored by five others, it **was approved by Gov. Granholm 12-30-06, and assigned PA 577 of 2006** with immediate effect.

**Public Act (PA) 582 of 2006****Senate Bill (SB) 1274 of 2006**

This bill would amend the Public Health Code to require each life support vehicle to be equipped with an Automated External Defibrillator (AED) within nine months after the bill's effective date; and to require a local medical control authority, within six months after the bill's effective date, to establish protocols to ensure that each life support vehicle was equipped with an AED, and that each emergency services personnel was trained properly to use the AED. Amends Public Act (PA) 368 of 1978. Sponsored by **Sen. Gilda Jacobs** (D-Huntington Woods) and co-sponsored by four others, it **was approved by Gov. Granholm, and assigned PA 582 of 2006** with immediate effect.

**Public Act (PA) 586 of 2006****House Bill (HB) 5927 of 2006**

This bill would amend the Mental Health Code to require the Director of the Michigan Department of Community Health (MDCH) to appoint a medical director of mental health services. The appointee would have to be an appropriately credentialed psychiatrist. The medical director of mental health services would advise the Director of MDCH on mental health policy and treatment issues; serve as a resource on mental health clinical matters to all divisions within the MDCH, other state departments, and the mental health field; and promote the use of mental health care and treatment best practices that are scientifically validated and recovery oriented. Amends Public Act (PA) 258 of 1974. Sponsored by **Rep. Gabe Leland** (D-Detroit) and co-sponsored by 14 others, it **was approved by Gov. Granholm 12-31-06, and assigned PA 586 of 2006** with immediate effect.

**Public Act (PA) 591 of 2006****House Bill (HB) 6392 of 2006**

This bill would amend the Public Health Code to expand the provisions of Public Act 24 to include retired dentists. The bill also would expand the provisions of Public Act 25 which provides limited civil immunity from lawsuits to dentists and to podiatrists. Amends Public Act (PA) 368 of 1978. Sponsored by **Rep. Rick Shaffer** (R-Three Rivers) and co-sponsored by 53 others, it **was approved by Gov. Granholm 12-30-06, and assigned PA 591** with immediate effect.

**Public Act (PA) 593 of 2006****House Bill (HB) 6603 of 2006**

This bill would create a new act under which health insurers and similar entities would be required to provide the Michigan Department of Community Health (MDCH) information each month about whether a covered individual is also a recipient of Medicaid assistance. When a covered individual was a recipient of Medicaid, the bill would require health coverage entities to pay MDCH, or assign right of recovery owed to the entity, for a covered health claim paid by Medicaid; and respond to any inquiry from MDCH about a claim for payment for an item or service submitted not later than three years after it was provided. Creates new act. Sponsored by **Rep. Bruce Caswell** (R-Hillsdale) and co-sponsored by no others, it **was approved by Gov. Granholm 12-30-06, and assigned PA 593** with immediate effect.

**Public Act 604 of 2006**

**House Bill (HB) 5923 of 2006**

This bill would amend the Mental Health Code require the Director of the State Office of Recipient Rights (ORR) to report directly to the Director of the Michigan Department of Community Health (MDCH), and prohibit the MDCH Director from delegating his or her responsibility regarding the selection to the ORR Director. Amends Public Act (PA) 258 of 1974. Sponsored by **Rep. Fran Amos** (R-Waterford) and co-sponsored by 16 others, it **was approved by Gov. Granholm 12-31-06, and assigned PA 604 of 2006** with immediate effect.

**Public Act (PA) 610 of 2006****House Bill 5661 of 2006**

This bill would amend the Insurance Code to allow an automobile insurer to offer a premium discount to insureds who were at least 50 years old and successfully completed a traffic accident prevention course that met specified criteria. An insurer could provide the discount for three years after successful completion of an initial or refresher course. The bill would require an initial course to include at least eight hours of classroom instruction taught by an instructor certified by the entity offering the course. A refresher course would have to include at least four hours of classroom instruction taught by an instructor certified by the entity. Additionally, upon successful completion, a course would have to provide a certificate of completion that an insured could use in applying for the premium discount. Amends Public Act (PA) 218 of 1956. Tie barred with HB 5663 of 2006 (which means neither bill can take effect unless both do). Sponsored by **Rep. Mike Nofs** (R-Battle Creek) and co-sponsored by 39 others, it was **approved by Gov. Granholm 12-31-06, and assigned PA 610 of 2006** with immediate effect.

**Public Act (PA) 612 of 2006****Senate Bill (SB) 65 of 2005**

This bill amends the General Property Tax Act to permit local tax collecting units to exempt certain nonprofit-owned single family dwellings or duplexes from taxation. Prior to the exemption, the clerk of the tax collecting unit must notify the assessor of the tax collecting unit and the legislative body of each taxing unit affected by the exemption, and allow for a hearing. Specifically, the bill exempts single family dwellings or duplexes owned by charitable nonprofit housing organizations. The exemption will be in effect on the December 31 immediately following the adoption of a resolution exempting the property by the local tax collecting unit, and remain in effect for two years, until the property is occupied, or until a transfer of ownership, whichever comes first. Amends Public Act (PA) 206 of 1893. Sponsored by **Sen. Ron Jelinek** (R-Three Oaks) and co-sponsored by four others, it **was approved by Gov. Granholm 1-3-07, and assigned PA 612 of 2006** with immediate effect.

**Public Act (PA) 617 of 2006****Senate Bill (SB) 1017 of 2006**

This bill amends the Public School Employees Retirement Act to permit a retirant (i.e., a person who retires and is due retirement payments) to select a new spouse as a retirement allowance beneficiary if a previous spouse dies, or if the retirant was not married at the time of retirement. Amends Public Act (PA) 300 of 1980. Sponsored by **Sen. Ron Jelinek** (R-Three Oaks) and co-sponsored by two others, it **was approved by Gov. Granholm 1-3-07, and assigned PA 617 of 2006** with immediate effect.

**Public Act (PA) 634 of 2006****House Bill (HB) 5389 of 2005**

This bill would amend the Social Welfare Act to require the Director of the Michigan Department of Community Health (MDCH) to designate and maintain locally or regionally-based single point of entry (SPE) agencies for long-term care (LTC). "Single Point of Entry" would mean a program from which a current or potential long-term care consumer could obtain long-term care information,

screening, assessment of need, care planning, supports, coordination, and referral to appropriate long-term care supports and services. The bill would require the MDCH initially to designate up to four agencies as SPE agencies, and prohibit the designation of additional agencies until the MDCH had reported to the Legislature on the impact of the initially designated agencies; require then MDCH to monitor designated agencies; require them to perform specified duties; annually evaluate the agencies' performance; prescribe fiscal and performance standards for the agencies; authorize the MDCH to take disciplinary action against a designated agency that failed to meet the bills criteria, or intentionally provided biased information about LTC; and provide that Medicaid reimbursement for health facilities or agencies, and funding for the MI Choice waiver program, could not be reduced below the level of rates and payments in effect on October 1, 2006, as a direct result of the four pilot SPE agencies. The bill would not apply after 12-31-11. Amends Public Act (PA) 280 of 1939. Sponsored by **Rep. Rick Shaffer** (R-Three Rivers) and co-sponsored by 41 others, it **was approved by Gov. Granholm 12-30-06, and assigned PA 634 of 2006** with immediate effect.

**Public Act (PA) 643 of 2006**

**House Bill (HB) 5750 of 2006**

This bill would amend the Public Health Code to allow the Michigan Board of Nursing to grant a non-renewable, temporary license to a registered professional nurse licensed by an equivalent licensing board in another state. Amends Public Act (PA) 368 of 1978. Tie barred with HB 5493 of 2005 (which means neither bill can take effect unless both do). Sponsored by **Rep. John Stakoe** (R-Highland) and co-sponsored by no others, it **was approved by Gov. Granholm 1-4-07, and assigned PA 643 of 2006** with immediate effect.

**Public Act (PA) 653 of 2006**

**House Bill (HB) 4455 of 2005**

This bill would amend the Public Health Code to require the Michigan Department of Community Health (MDCH) to take specific actions to address racial and ethnic health disparities in this state, and to submit to the Legislature an annual report on the bill's impact. Amends Public Act (PA) 368 of 1978. Sponsored by **Rep. Michael C. Murphy** (D-Lansing) and co-sponsored by 63 others, it **was approved by Gov. Granholm 1-8-07, and assigned PA 653 of 2006** with immediate effect.

**Public Act 665 of 2006**

**House Bill (HB) 6076 of 2006**

This bill would amend the General Sales Tax Act and the Use Tax Act, respectively, to expand existing tax exemptions for a county long-term medical care facility by including an addition to the facility. The acts exempt from taxation property purchased by a person engaged in the business of constructing or improving real estate of others, to the extent the property is affixed to and made a structural part of a nonprofit hospital or a nonprofit housing entity meeting certain criteria. The Acts definitions of a "nonprofit hospital" include a county long-term care facility built after December 31, 1995. Amends Public Act (PA) 167 of 1933. Sponsored by **Rep. Rich Brown** (D-Bessemer) and co-sponsored by no others, it **was approved by Gov. Granholm 12-28-06, and assigned PA 665 of 2006** with immediate effect.

**Public Act (PA) 666 of 2006**

**House Bill (HB) 6077 of 2006**

This bill would amend the General Sales Tax Act and the Use Tax Act, respectively, to expand existing tax exemptions for a county long-term medical care facility by including an addition to the facility. The acts exempt from taxation property purchased by a person engaged in the business of constructing or improving real estate of others, to the extent the property is affixed to and made a structural part of a nonprofit hospital or a nonprofit housing entity meeting certain criteria. The Acts definitions of a "nonprofit hospital" include a county long-term care facility built after December 31,

1995. Amends Public Act (PA) 167 of 1933. Sponsored by **Rep. Rich Brown** (D-Bessemer) and co-sponsored by no others, it **was approved by Gov. Granholm 12-28-06, and assigned PA 666 of 2006** with immediate effect.

**Public Act (PA) 671 of 2006**

**House Bill (HB) 6313 of 2006**

This bill would amend Chapter 77 of the Insurance Code (the Michigan Life and Health Insurance Guaranty Association Act) to include coverage of nonresidents for an unallocated annuity contract or a structured settlement annuity under certain conditions, and make other changes in the list of people to whom Chapter 77 provides coverage; revise coverage limits established in Chapter 77; establish requirements regarding unallocated annuities for the Michigan Life and Health Insurance Guaranty Association annuity subcontracts; and revise provisions pertaining to the Association's powers and duties. Amends Public Act (PA) 218 of 1956. Sponsored by **Rep. Joe Hune** (R-Hamburg) and co-sponsored by no others, it **was approved by Gov. Granholm 1-8-07, and assigned PA 671 of 2006** with immediate effect.

**Public Act (PA) 672 of 2006**

**House Bill (HB) 6323 of 2006**

This bill would amend the Public Health Code to allow prescriptions to be transmitted via facsimile or electronic transmission; extend regulations regarding smoking in public places to hospitals; and prohibit an individual from smoking on hospital property, unless he or she were a patient and the prohibition would be detrimental to his or her treatment as defined by medical conditions identified by the collective hospital medical staff. Amends Public Act (PA) 368 of 1978. Sponsored by **Rep. Gary Newell** (R-Saranac) and co-sponsored by no others, it **was approved by Gov. Granholm 1-8-07, and assigned PA 672 of 2006** with immediate effect.

**Public Act (PA) 674 of 2006**

**House Bill (HB) 6478 of 2006**

This bill would amend the Social Welfare Act to require the Michigan Department of Community Health (MDCH), in conjunction with the Office of Financial and Insurance Services and the Michigan Department of Human Services (MDHS), to establish a long-term care (LTC) partnership program in Michigan; and specify that an individual who was a beneficiary of a Michigan LTC partnership program policy would be eligible for Medicaid assistance using the asset disregard as provided in the bill. The bill would have to be established to provide for the financing of LTC through a combination of private insurance and Medicaid. The bill specifies that it would be the intent of the program to do the following: provide incentives for individuals to ensure against the costs of providing for their LTC needs; provide a mechanism for individuals to qualify for coverage of the cost of their LTC needs under Medicaid without first being required to substantially exhaust their resources; and alleviate the financial burden on the state's medical assistance program by encouraging the pursuit of private initiatives. Amends Public Act (PA) 280 of 1939. Sponsored by **Rep. Barb Vander Veen** (R-Allendale) and co-sponsored by 15 others, it **was approved by Gov. Granholm 1-8-07, and assigned PA 674** with immediate effect.

**Public Act (PA) 679 of 2006**

**House Bill (HB) 5608 of 2006**

This bill would enter Michigan into the Interstate Insurance Product Regulation Compact (including life and LTC insurance product regulation). This is said to be a model act developed by the National Association of Insurance Commissioners (NAIC). Each "compacting state" has one member of the Compact Commission created by the compact, for Michigan the Commissioner of the Office of Financial and Insurance Services (OFIS). A state could withdraw from the compact by specifically repealing the statute this bill would create. Creates new act. Sponsored by **Rep. Barbara Farrah** (D-Southgate) and co-sponsored by 26 others, it **was approved by Gov.**

**Granholm 1-8-07, and assigned PA 679 of 2006** with immediate effect.

**Public Act 681 of 2006**

**House Bill (HB) 6209 of 2006**

This bill would amend the General Property Tax Act to exempt from the collection of taxes under the Act real and personal property owned and occupied by a nonprofit corporation that was exempt from taxation under Section 501(c)(3) of the Internal Revenue Code; that either was a skilled nursing facility or home for the aged licensed under the Public Health Code, or an adult foster care facility licensed under the Adult Foster Care Licensing Act, or provided housing, rehabilitation services, diagnostic services, medical services, or therapeutic services to one or more disabled people. Amends Public Act (PA) 206 of 1893. Sponsored by **Rep. Jerry Kooiman** (R-Grand Rapids) and co-sponsored by 18 others, it **was approved by Gov. Granholm 1-8-07, and assigned PA 681 of 2006** with immediate effect.

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**ABOUT RESOURCES FOR AGING**

**Jennifer M. Granholm, Governor**  
**Sharon L. Gire, OSA Director**

This electronic newsletter (e-newsletter) from the **Michigan Office of Services to the Aging (OSA)** is available at no cost.

OSA is the designated State Unit on Aging for Michigan, as authorized by the Older Americans Act of 1965 and the Older Michiganians Act of 1981. OSA advocates on behalf of individuals age 60 or older for policies, programs and services that benefit them and their families. OSA administers federal and state funds and manages grants for services provided by the aging network service providers.

The events/meetings, funding/grants, and other resources described in Resources for Aging should not be interpreted as constituting OSA endorsement. This information is presented for informational/educational purposes only.

Please help spread the word about this free resource for aging to those in the aging network and others who are interested. If you or others wish to receive it directly by e-mail, send a request by e-mail to writer/editor **David Dekker** at [dekkerd@michigan.gov](mailto:dekkerd@michigan.gov). Please include name, e-mail address, telephone number, city and organization/agency (if any).

Comments and suggestions are appreciated. Also, readers are invited to submit information to be considered for publication. Please send to [dekkerd@michigan.gov](mailto:dekkerd@michigan.gov) or to Resources for Aging, P.O. Box 30676, Lansing, MI 48909-8176.

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